

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 1, 2013**

<u>CASE NUMBER</u>	5822
<u>APPLICANT NAME</u>	Thermo King
<u>LOCATION</u>	5340 Willis Road (South and East side of Willis Road, 320 + West of USHY 90 W)
<u>VARIANCE REQUEST</u>	SURFACE: Surface Variance to allow aggregate maneuvering and parking surface in an I-1, Light Industrial District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SURFACE: the Zoning Ordinance requires maneuvering and parking area surfaced with concrete, asphaltic concrete, asphalt or alternative parking surface as defined in Section 64-2 of the Zoning Ordinance in an I-1, Light Industrial District
<u>ZONING</u>	I-1, Light Industrial
<u>AREA OF PROPERTY</u>	101,059 square feet / 2.32±Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments received.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Surface Variance to allow aggregate maneuvering and parking surface in an I-1, Light Industrial District; the Zoning Ordinance requires maneuvering and parking area surfaced with concrete, asphaltic concrete, asphalt or alternative parking surface as defined in Section 64-2 of the Zoning Ordinance in an I-1, Light Industrial District.

The applicant states that the business repairs refrigerated trucks and trailers, and that the parking and maneuvering of the up to 80,000 pound vehicles on a normal asphalt or concrete surface will result in rapid deterioration of the surface. They go on to state that an aggregate surface can better withstand the rigors of such truck movements, and that it is a more resilient and more

easily replaced surface. They also indicate that an aggregate surface would be more environmentally friendly, and less costly than an equal area of asphalt or concrete paved surface.

It should be pointed out that asphalt or concrete paved parking and maneuvering area for passenger vehicles will be provided on the North side of the proposed building, to facilitate non-truck employee and customer parking.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The site is currently undeveloped, and is located in an area that was recently annexed into the City of Mobile, and in which Zoning Ordinance enforcement began in February 2009. Many of the other existing trucking-related sites in this recently annexed area were developed prior to annexation, thus paved parking and maneuvering area for the trucks may not have been required by Mobile County. That being said, staff has found several pre-annexation locations along Kooiman Road, Rangeline Road, Business Parkway and Mobile South Street, which have high levels of truck traffic (as they are warehouse facilities), yet have parking and maneuvering areas for the trucks paved in asphalt or concrete rather than aggregate.

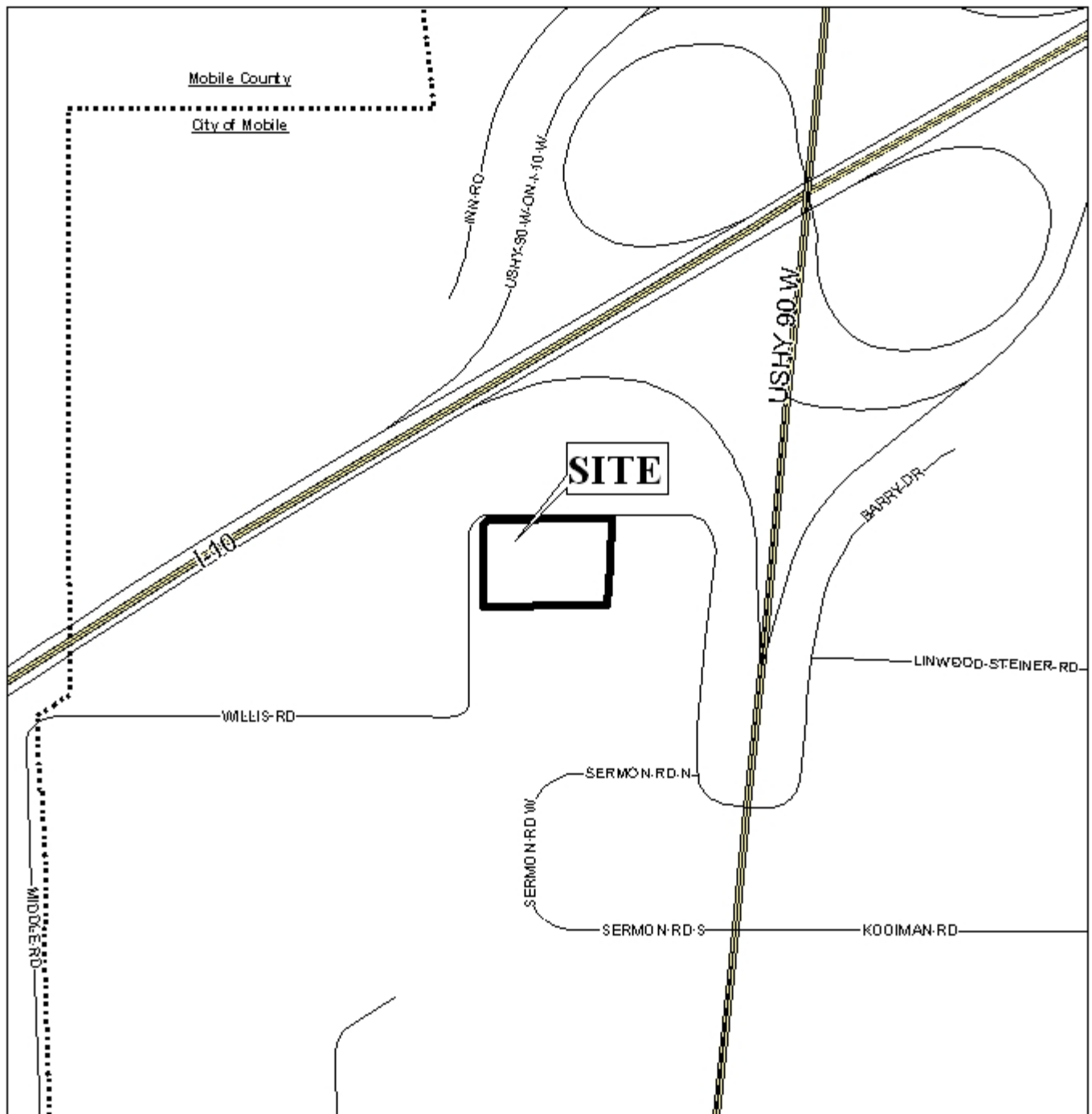
Aggregate surfacing is only allowed by right in I-2, Heavy Industrial Districts, and also generally in those cases in I-1 and sometimes B-3 districts where lay-down yards and/or tracked heavy equipment are stored. As all of the vehicles in this instance will be rubber-tired, an asphalt or concrete paved surface would be preferable due to the elimination of rutting and the better ability to convey storm water from the parking area to the provided storm water detention facility on site.

Finally, the applicant's statement that an aggregate surface would be less costly and more easily replaceable than asphalt or concrete surfacing is likely true. That being said, economics are not to be considered as part of the hardship justification for a variance.

RECOMMENDATION: Based on the preceding, this application is recommended for Denial for the following reason:

- 1) The applicant failed to illustrate that there were any unusual characteristics of the property or special conditions that exist which would prevent compliance with the requirements of the Zoning Ordinance.

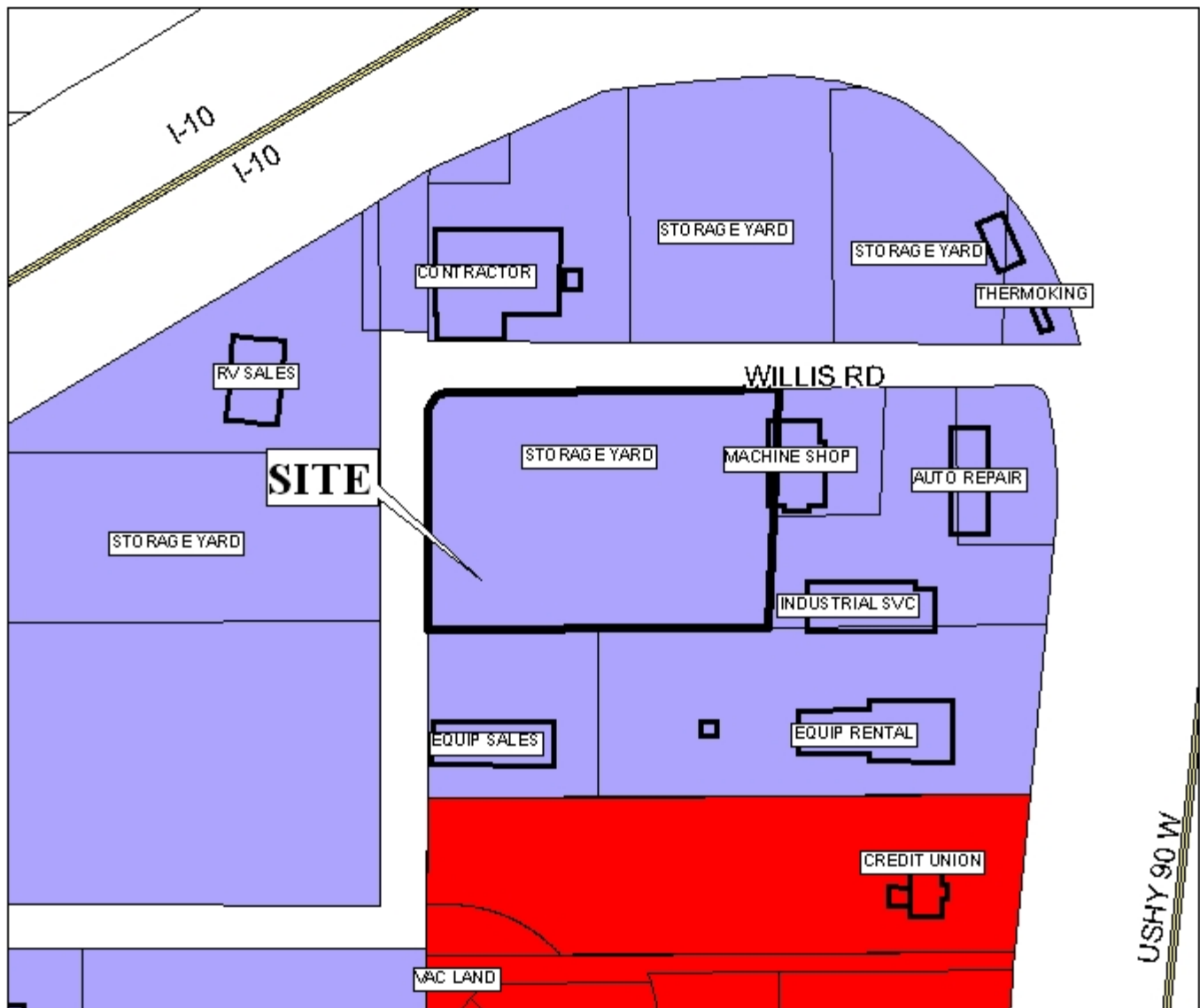
LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and industrial land use.

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LEGEND

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 T-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2
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N

 NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

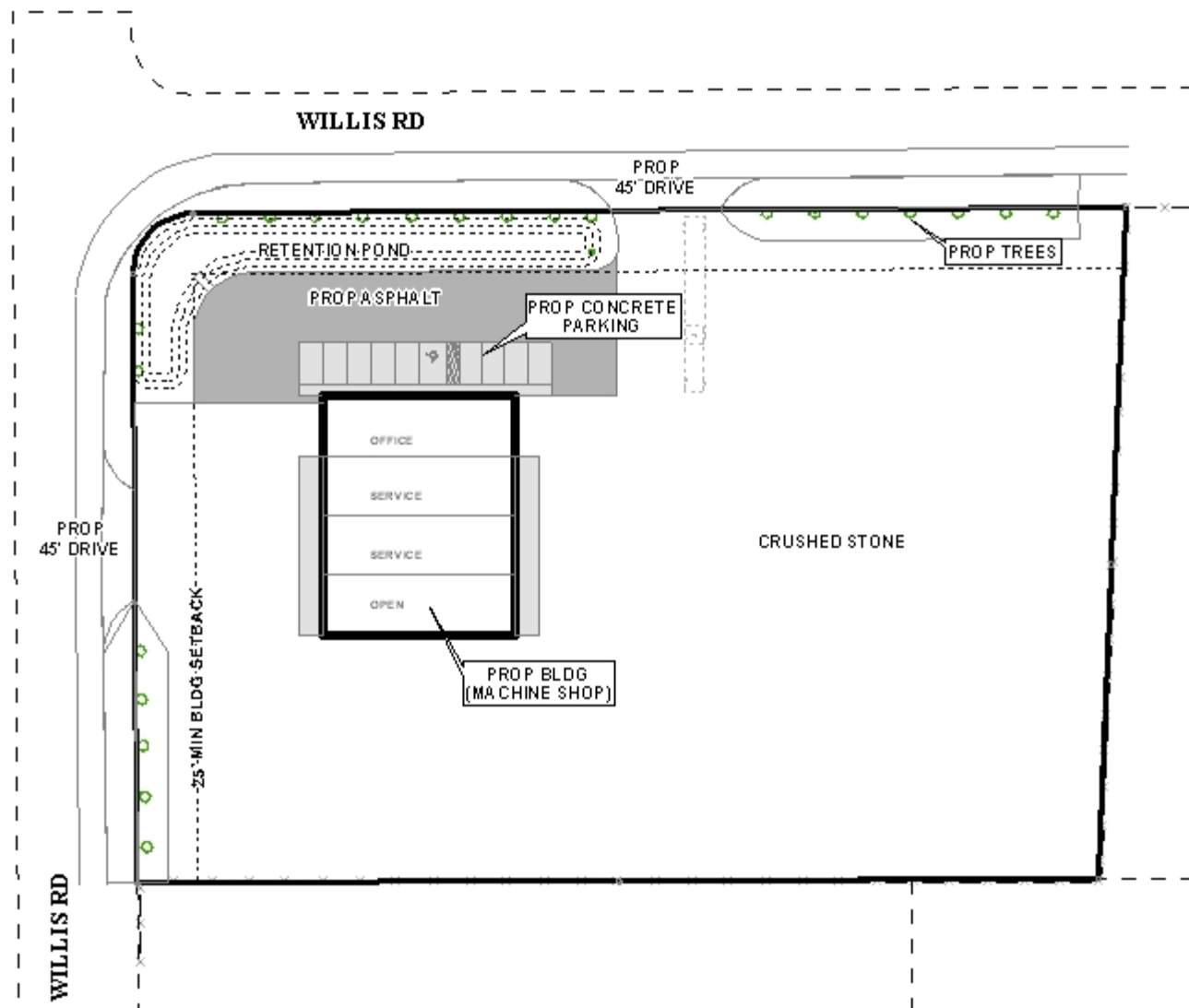


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SITE PLAN



The site plan illustrates the proposed development.

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