

APPLICATION NUMBER

5173/5122

A REQUEST FOR

**PARKING SURFACE AND LANDSCAPING/TREE
PLANTING VARIANCES TO ALLOW THE PARKING OF
SEMI-TRACTOR TRAILER TRUCKS IN A B-5, OFFICE-
DISTRIBUTION DISTRICT; TO ALLOW AN
AGGREGATE SURFACE FOR PARKING WITH NO TREE
PLANTINGS OR LANDSCAPING; ASPHALT, CONCRETE
OR AN APPROVED ALTERNATIVE PAVING SURFACE IS
REQUIRED FOR ALL PARKING AND MANUEVERING
AREAS, AND COMPLIANCE WITH LANDSCAPING/TREE
PLANTING REQUIREMENTS ARE REQUIRED FOR ALL
NEW CONSTRUCTION.**

LOCATED AT

(West side of Shipyard Road, 1115' + North of Higgins Road)

APPLICANT

CREEKLINE, INC.

BOARD OF ZONING ADJUSTMENT

APRIL 2003

The applicant is requesting Parking Surface and Landscaping/Tree Planting Variances to allow the parking of semi-tractor trailer trucks in a B-5, Office-Distribution District; to allow an aggregate surface for parking with no tree plantings or landscaping; asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas, and compliance with landscaping/tree planting requirements are required for all new construction

The applicant had applied for a variance in July 2002, and at that meeting, the Board denied the application. The Board denied that application because the applicant failed to appear. The six-month time frame to reapply to the Board has elapsed, thus this application. It should be noted that the variances requested, are identical to the previous variances.

The applicant states that an aggregate surface is required instead of asphalt because semi-trucks would cause damage to an asphalt parking lot. In addition, the applicant states that the use of this lot is strictly for a company that services the post office warehouse to the north. The applicant goes on to say, that this site was chosen because of the proximity to the post office warehouse, and to keep the semi-trucks from parking at a downtown location.

The area is being developed with a variety of distribution and warehouse facilities. As these sites were developed, compliance with the landscaping and tree planting requirements was required. In the past, the Board has taken into consideration the type of use a parking lot would serve; however, when the Board has approved an aggregate surface parking lot, full compliance with the landscaping and trees has been a condition of approval.

The aggregate is not an approved surface is because of the shifting of the aggregate onto the right-of-way and adjacent properties, and parking spaces are not readily delineated. One by-product of the proposed use would be contaminants associated with the trucking industry. These contaminants may be one or more of the following: oil, grease, diesel fuel, hydraulic fluids, and others. With this site's close proximity to river and bay tributaries, run-off will be an important issue.

The purpose of the minimum landscape requirements is to prevent, protect and enhance the ecological and aesthetic environments of the City of Mobile. Inasmuch as landscaped areas serve to protect soil erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; and facilitate the safe movement of traffic in vehicular use areas, it is further the purpose to improve the appearance, quality, and quantity of landscaped areas throughout the City of Mobile, with emphasis on vehicular use areas.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

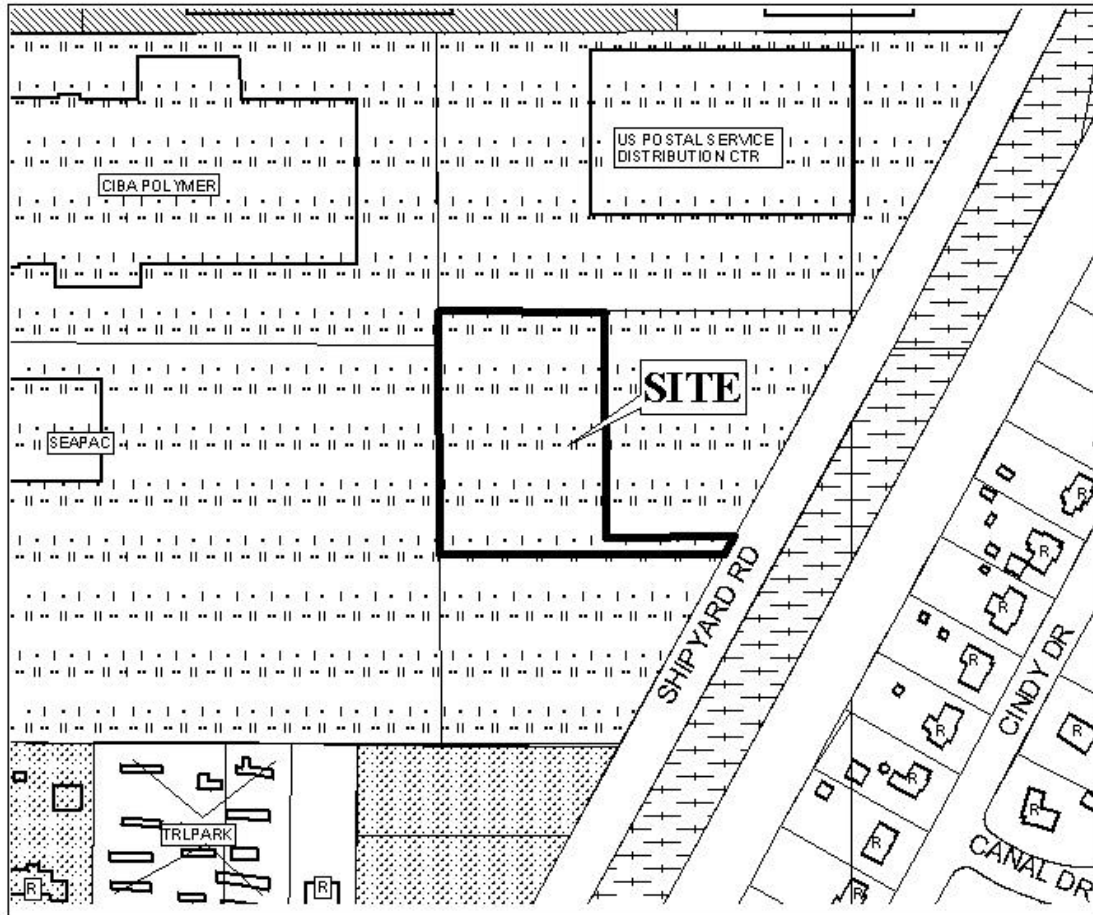
The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to not provide an asphalt surface, landscaping and tree plantings.

RECOMMENDATION 5173/5122

Date: April 7, 2003

Based upon the preceding, this application is recommended for denial.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single- family residential units are located to the east and south of the site.
Distribution centers and warehousing centers are located to the west and north
of the site. A trailer park and office are located to the south of the site.

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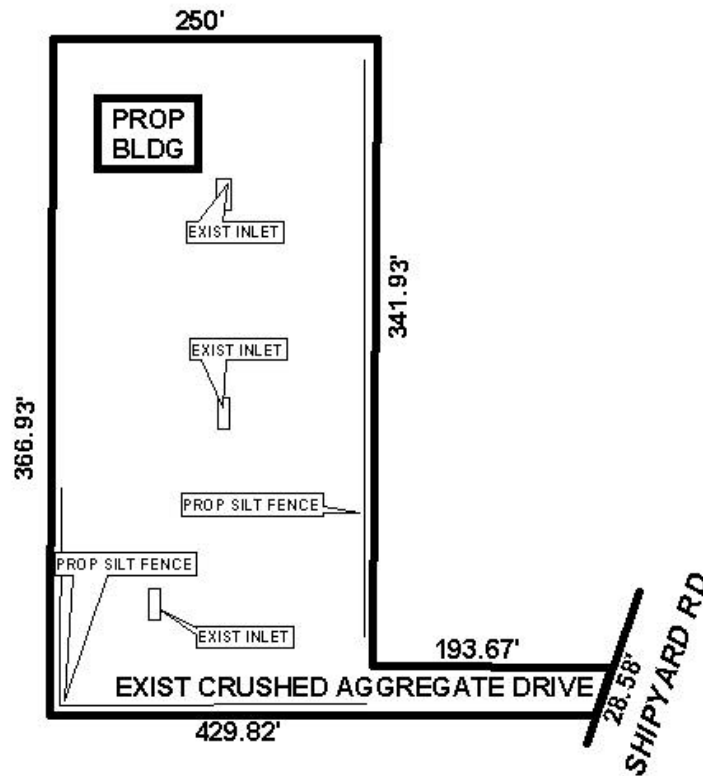
APPLICANT Creekline, Inc.

REQUEST Parking Surface, Landscaping/ Tree Planting Variance

LEGEND



SITE PLAN



West Side of Shipyard Road, 1115' North of Higgins Road, the site plan illustrates the existing crushed aggregate drive, proposed fencing and existing inlets.

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