

APPLICATION NUMBER

5318/5357

A REQUEST FOR

**USE VARIANCE TO ALLOW A MACHINE AND
FABRICATION SHOP IN A B-2, NEIGHBORHOOD
BUSINESS DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF AN I-1, LIGHT INDUSTRY
DISTRICT.**

LOCATED AT

1004 DAUPHIN ISLAND PARKWAY

(West side of Dauphin Island Parkway, 220' ± North of Woodlawn Drive North).

APPLICANT

DAVID D. BROWN

OWNER

CENTRAL BAPTIST CHURCH

BOARD OF ZONING ADJUSTMENT

JULY 2006

The applicant is requesting a Use Variance to allow a machine and fabrication shop in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of an I-1, Light Industry District.

The purpose of the application is to allow Mobile Sheet Metal Company, Inc. (MSM) to relocate its manufacturing facilities from 2564 Hurtel Street to this location. The applicant states that the company is in the business of fabricating sheet metal enclosures and parts, vending machine parts, and access cabinets for coin operated machines. The applicant states that currently the company employs ten people; however, the increase in space would allow MSM to add six more employees within the first year.

The applicant states the hours of operation will be 6:00 AM to 4:30 PM Monday through Thursday additional shifts in the future. The applicant states that the powder coating technique uses no hazardous chemicals or thinners, and does not emit any noise or dust conditions which would impact the neighborhood. Additionally, the activities are confined within the building with no outside contracting, and no heavy equipment or materials stored outside.

The applicant is requesting that the property be allowed a Light Industrial use. In essence, if approved, this would create a new I-1, Light Industrial District. Moreover, it should be noted that Use Variances may alter the character of a neighborhood beginning a domino effect, as adjacent properties seek similar requests due to the changing character of the area. The applicant is considering relocating to a larger facility to increase production; therefore, the applicant should seek a more appropriate and properly zoned site.

A similar application was previously approved and has expired. At the meeting of July 11, 2005, the Board approved a use variance to allow a machine and fabrication shop in a B-2, Neighborhood Business District subject to the following conditions: (1) full compliance with the landscaping and tree planting requirements of the Ordinance (to be coordinated with and approved by Urban Forestry), and (2) the provision of a buffer where the site adjoins residential property, in accordance with the Zoning Ordinance. However, this current application indicates there is reason to add additional shifts beyond those indicated in the previous application, and thus would have more of an impact on the character of the surrounding neighborhood.

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. The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to be allowed to use this site as a fabrication facility. In addition, the granting of the Use Variance could set an undesirable precedent and could encourage future applications of a similar nature. The original application was recommended for denial, and it would follow that this application should be denied since the applicant intends to have increased work shifts beyond those stated in the original application.

RECOMMENDATION 5318/5357**Date: July 10, 2006**

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