

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: January 3, 2011

CASE NUMBER

5653

APPLICANT NAME

Marine Rigging, Inc. (Gary D. E. Cowles, Agent)

LOCATION

500 and 552 Beauregard Street
(West side of North Lawrence Street, extending from
Beauregard Street to Stuart Circle)

VARIANCE REQUEST

USE: Use Variance to allow tension testing and research of marine rigging components in a B-4, General Business District.

PARKING SURFACE: Parking Surface Variance to allow a gravel-surface work area/lay-down yard in a B-4, General Business District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance does not allow a laboratory for testing or research in a B-4, General Business District.

PARKING SURFACE: The Zoning Ordinance requires parking surfaces to be asphalt, concrete or an approved alternative paving surface in a B-4, General Business District.

ZONING

B-4, General Business

AREA OF PROPERTY

1.0± Acre

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use and Parking Surface Variances to allow tension testing and research of marine rigging components with a gravel-surface work area/lay-down yard in a B-4, General Business District; the Zoning Ordinance does

not allow a testing and research laboratory and work yards/lay-down yards must be paved in asphalt, concrete, or an approved alternative paving surface in a B-4, General Business District.

The site is currently used as a marine rigging sales company specializing in wire rope, slings and chains used in the maritime industry for lifting, pulling and securing. The applicant proposes to construct an outdoor pull-test frame to conduct tension tests on various rigging components and proposes to utilize a nearby existing gravel-paved area as a work and lay-down area in conjunction with the testing. There is no building expansion proposed.

Concerning the proposed use variance, the applicant states that many customers need load carrying certification for rigging and it is important that load ratings can be provided on site. The testing equipment is not proposed to be used constantly but as needed during normal business hours. The operation would be considered an accessory use to the primary sales use of the site. As the proposed use requires a minimum I-1, Light Industry District, the applicant should show evidence as to why the property imposes a hardship related to the proposed use.

The pull frame test bed will include a fold-down safety cage and restraint to completely contain all equipment and test specimens such as cables and chains, and will not generate odors, air pollution or any excessive traffic. The test bed is beyond the required zero or 5' setbacks for a B-4 district, but as the test bed is approximately 25" high, required setbacks would not apply. With regard to the test bed equipment, the site plan submitted indicates a bed frame of approximately 122' long by 18' wide at the mounting points, with a cylinder approximately 4' in diameter. However, the manufacturer's drawings indicate the frame to be 40' long by 5'-8" wide at the mounting points, with a cylinder diameter of approximately 1'-2". Therefore, since the test bed on the site plan is scaled approximately 3-1/2 times too large, the site plan should be revised to indicate an accurately scaled layout of the test bed and foundation.

Also being requested is the use of an existing gravel-paved area as the work and lay-down area in conjunction with the rigging testing. The area is currently utilized for working with cables and other rigging components. In similar variance requests where gravel surfacing is requested, the Board has been sympathetic to such when the area is to be used for other than standard vehicle parking, especially in instances where equipment would have a tendency to damage standard paving surfaces. The dragging and dropping of cable and chain components would potentially have a negative impact on standard paving surfaces and the gravel surface variance request would have validity.

The site plan indicates ten paved parking spaces which meets the requirement for the 1,800 square feet of office space and three warehouse employees. Some of the parking stalls are curbed in front, but those stopping at the building line do not appear to have any type of bumper stops; therefore, the site plan should be revised to indicate bumper stops to be provided where the parking stalls stop at the building line. No curbing or bumper stops are illustrated along proposed landscaped areas; therefore, the site plan should be revised to illustrate curbing or bumper stops to protect landscaped areas. An existing curb cut onto Stuart Circle is proposed to be relocated further West to allow the placement of the test bed near the Northeast corner of the site. This location would better align the curb cut with the existing drive aisle through the parking lot.

Landscaping and tree planting calculations are furnished on the site plan. However, the calculations pertain only to the Eastern parcel of the two-parcel site. Therefore, the landscaping and tree planting calculations should be revised to include both parcels which constitute the site. And the legal description furnished is only for the Western portion of the over-all site and does not include the Eastern portion where the test stand is proposed to be built.

No dumpster is indicated on the site plan. Photographs furnished with the application indicate several dumpsters being utilized on the site. The site plan should be revised to indicate dumpsters in compliance with the Zoning Ordinance and Engineering drainage to sanitary sewer requirements. Also evident in the photographs is barbed wire fencing around the site. Barbed wire fencing is not allowed within the City limits as per City of Mobile Municipal Code Chapter 21. No permits for the erection of the barbed wire fencing are found in the Permitting database. The Director of Urban Development is the sole authority who can approve or deny barbed wire fencing; therefore, application should be made for an after-the-fact permit for the installation of the fencing, or evidence should be submitted to verify the fence was permitted. The fencing is gated at the drive entrances to the site but does not allow for the required three-vehicle, 51' stacking area on-site short of the gates and out of the right-of-way. Therefore, the site plan should be revised to provide the required on-site vehicle stacking areas.

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.

Variations 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.

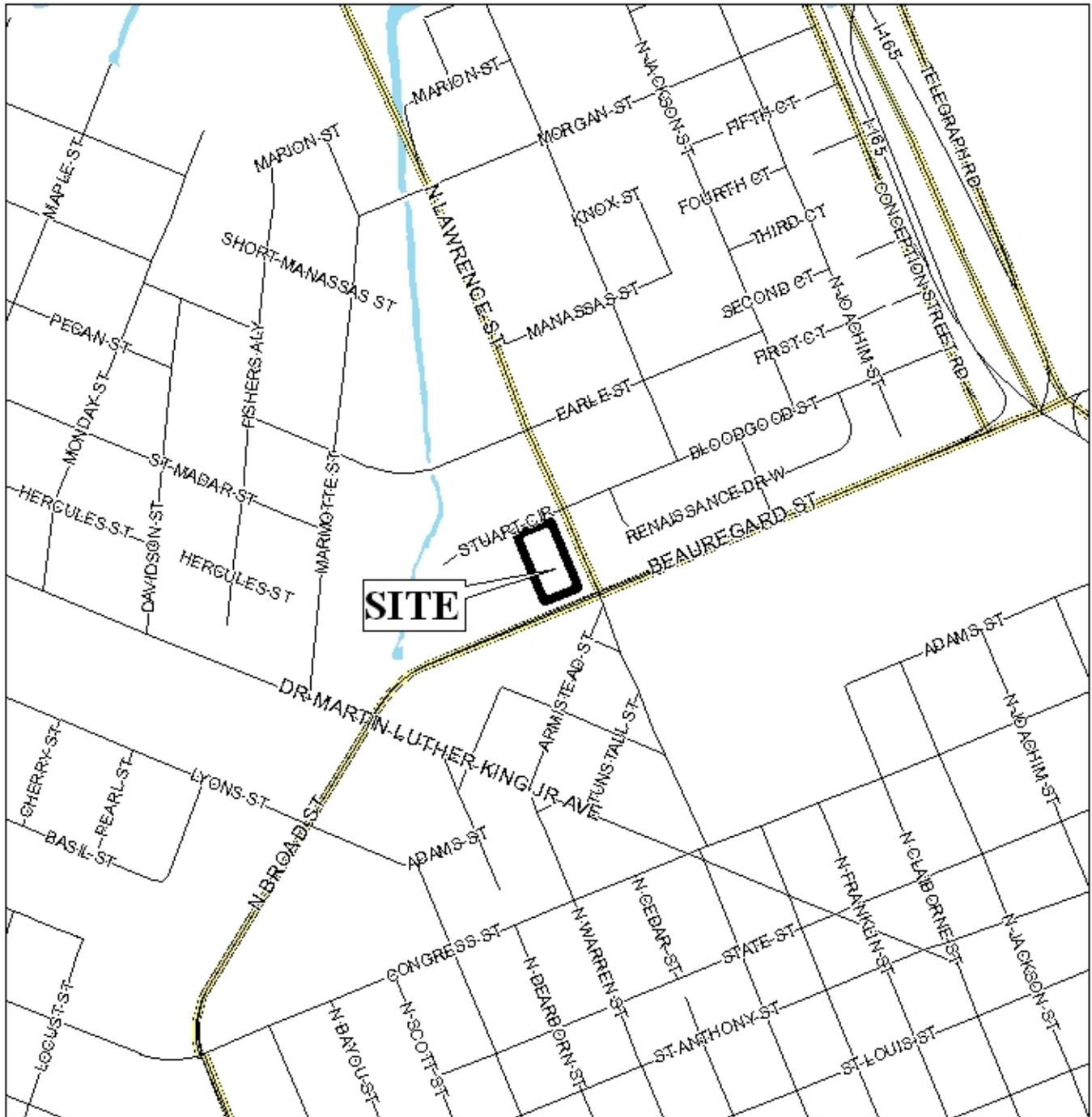
The applicant has not demonstrated that there is a hardship associated with the request, and there are several deficiencies and discrepancies on the site plan. Therefore, the Board should consider this application for holdover to the meeting of February 7th to allow the applicant time to address and correct such.

RECOMMENDATION: Based on the preceding, this application is recommended for holdover to the February 7th meeting to allow the applicant to address the following items:

- 1) submission of justification for a hardship imposed by the property which would warrant the proposed use;
- 2) revision of the site plan to accurately depict the test bed frame and foundation pad to an accurate scale;
- 3) revision of the site plan to provide bumper stops in all parking stalls which abut the building;

- 4) revision of the site plan to illustrate curbing or bumper stops to protect landscaped areas;
- 5) revision of the landscaping and tree planting calculations to include both parcels which constitute the site;
- 6) revision of the legal description to include both parcels which constitute the site;
- 7) revision of the site plan to show dumpsters in compliance with the Zoning Ordinance and Engineering drainage to sanitary sewer requirements; and
- 8) revision of the site plan to indicate the required three-vehicle, 51'-long stacking areas on site at the drive entrances short of the gates and out of the right-of-way.

LOCATOR



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REQUEST Use and Parking Surface Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use with residential land use to the north.

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LEGEND

														NTS
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



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**

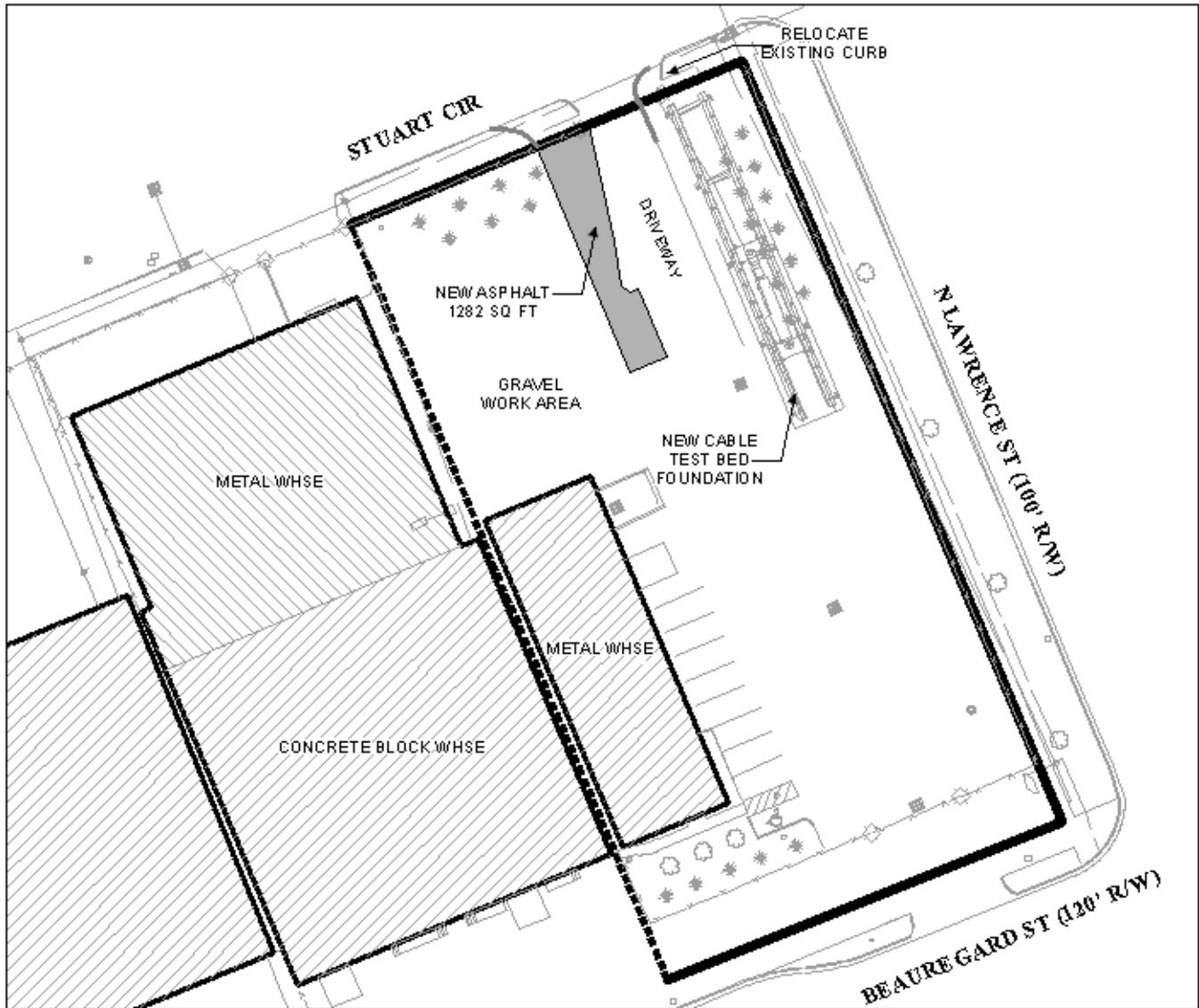


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SITE PLAN



This site plan illustrates the existing lot configuration and structures.

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