**BOARD OF ZONING ADJUSTMENT**
**STAFF REPORT** **Date: November 1, 2010**

**CASE NUMBER** 5642

**APPLICANT NAME** Lyman Ramsay (Gulf Equipment Company)

**LOCATION** 5540 Business Parkway
(Northwest corner of Kooiman Road and Business Parkway)

**VARIANCE REQUEST** **USE:** Allow a contractor's storage yard in a B-5, Office-distribution district.

**SURFACING:** Allow gravel surfacing inside the storage yard.

**ZONING ORDINANCE REQUIREMENT**

**USE:** A contractor's storage yard requires a minimum of an I-1, Light Industry District.

**SURFACING:** The Zoning Ordinance requires equipment parking areas to be paved with asphalt, concrete, or an approved alternative paving surface.

**ZONING** B-5, Office-distribution District

**AREA OF PROPERTY** 3.1 Acres ±

**TRAFFIC ENGINEERING COMMENTS** None received

**CITY COUNCIL DISTRICT** District 4

**ANALYSIS** The applicant is requesting a Use and Parking Surface Variances to allow a contractor's storage yard with gravel equipment parking in a B-5, Office-Distribution District; the Zoning Ordinance does not allow a contractor's storage yard and equipment parking areas must be paved with asphalt, concrete, or an approved alternative paving surface in a B-5, Office-Distribution District.

Currently, the applicant's operation is located across Business Parkway, just to the East of this location, also zoned B-5. The entire area was annexed into the City of Mobile in 2008. The applicant proposes to move the operation to this new location. With the move is the necessity of

construction of a contractor's storage yard, which is not a permitted use. Further, the applicant wishes to surface the storage yard with gravel. It is important to note that this variance is not the result of existing development compliance, but new development.

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.

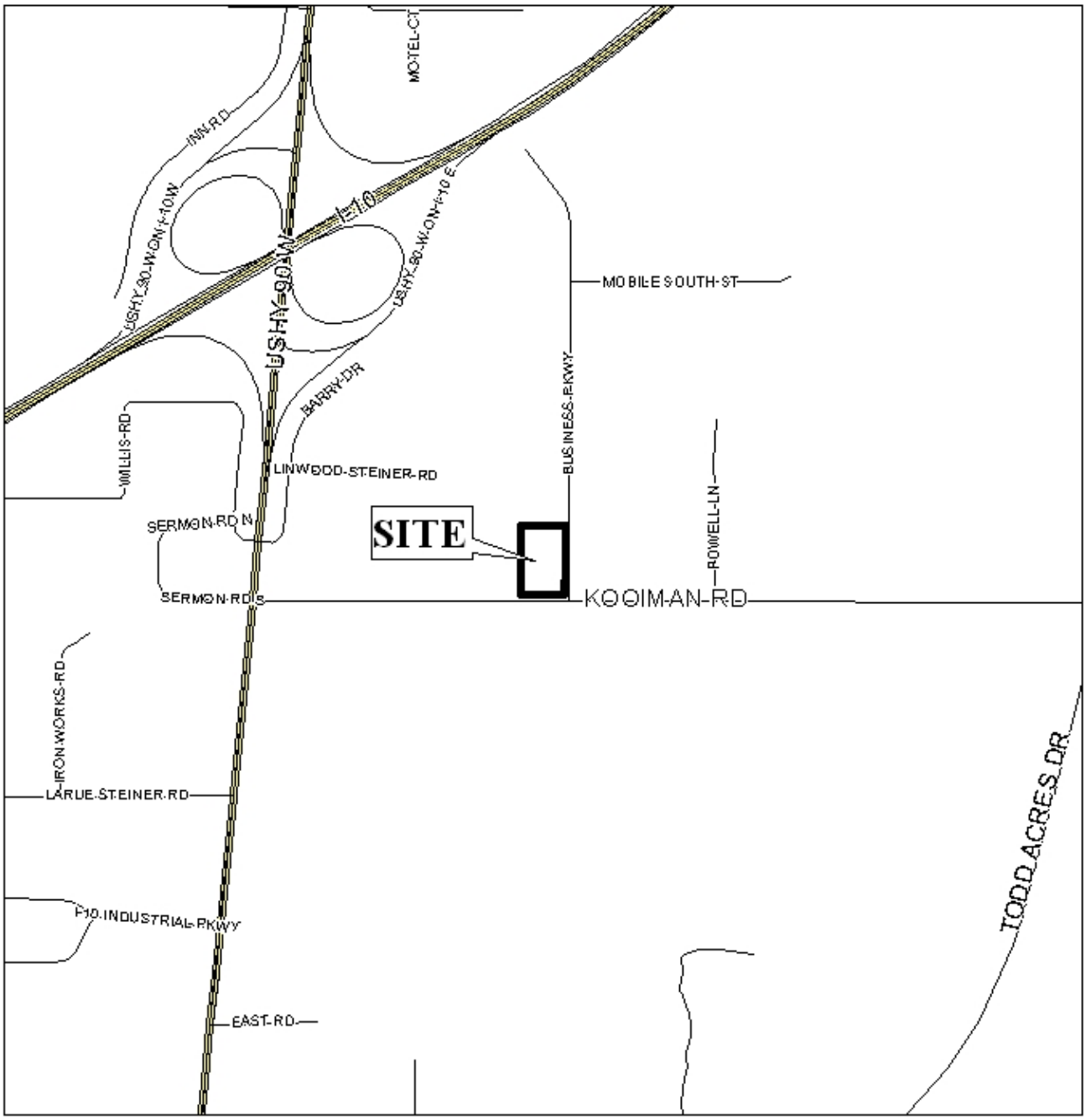
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant's justification for hardship is merely the fact that the site was annexed in the City of Mobile. This is not a basis for hardship. Further, the applicant states that many of the existing tenants in the business park have storage yards. Aerial photographs, both City of Mobile, and from publically available sources such as Google and Bing do not reveal this to be the case. In fact, the only storage yard readily discernable is the applicant's own storage yard at the current business location. The applicant's request for a variance is based on the desire to relocate to a new location, and is, thus, self-imposed; self-imposed hardships are not justification for a variance, and as such, the request should be denied.

*This application was held over from the Board's scheduled November 1, 2010, meeting due to a lack of quorum to hold the meeting.*

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

# LOCATOR MAP




APPLICATION NUMBER 5642 DATE December 6, 2010

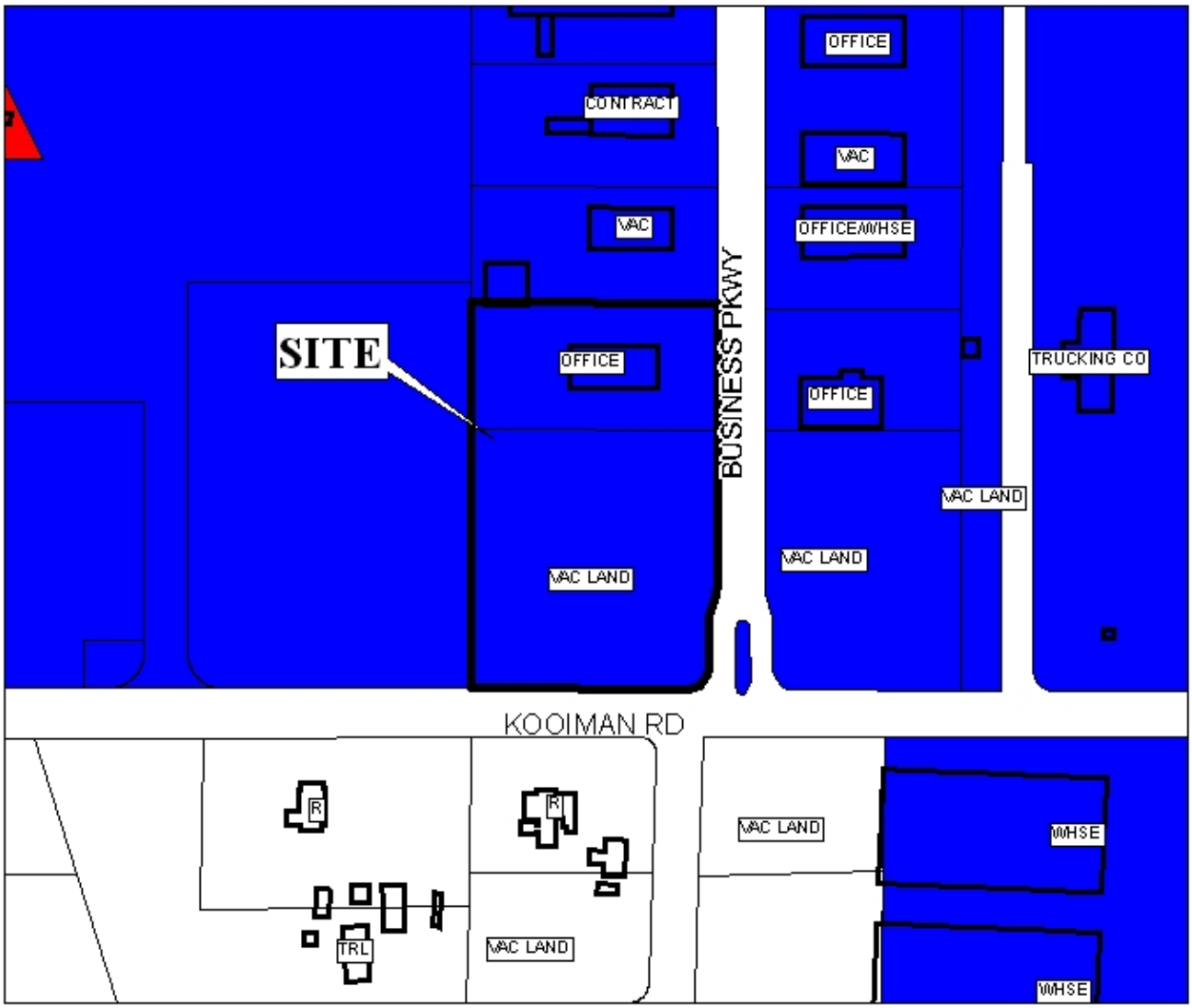
APPLICANT Lyman Ramsey (Gulf Equipment Company)

REQUEST Use, Parking Surface Variance

N

NTS

# BOARD OF ADJUSTMENT
# VICINITY MAP - EXISTING ZONING




Offices and warehouses are located to the north, east, and south of the site. Residential land use is located to the south of the site.

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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

N

NTS

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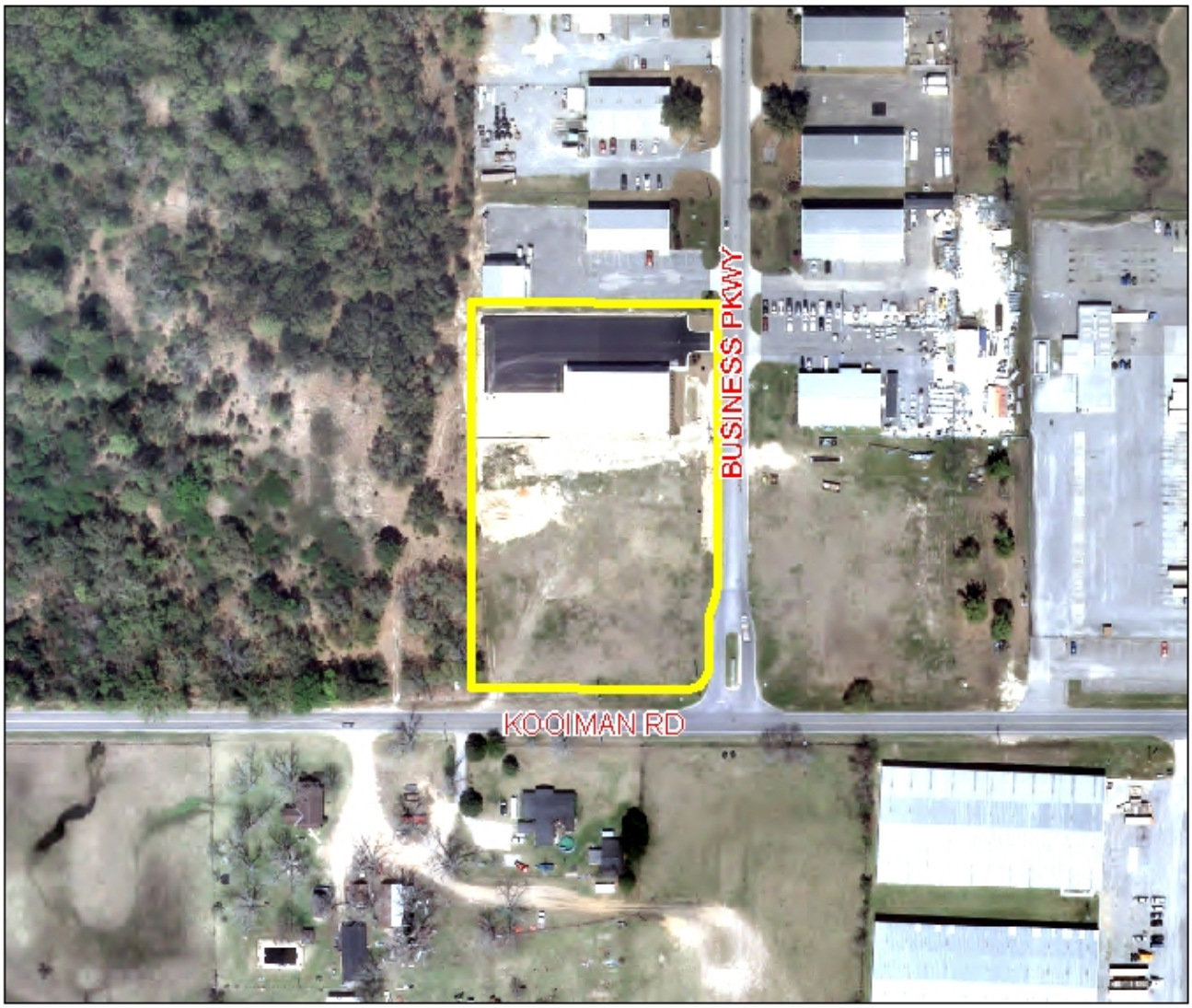


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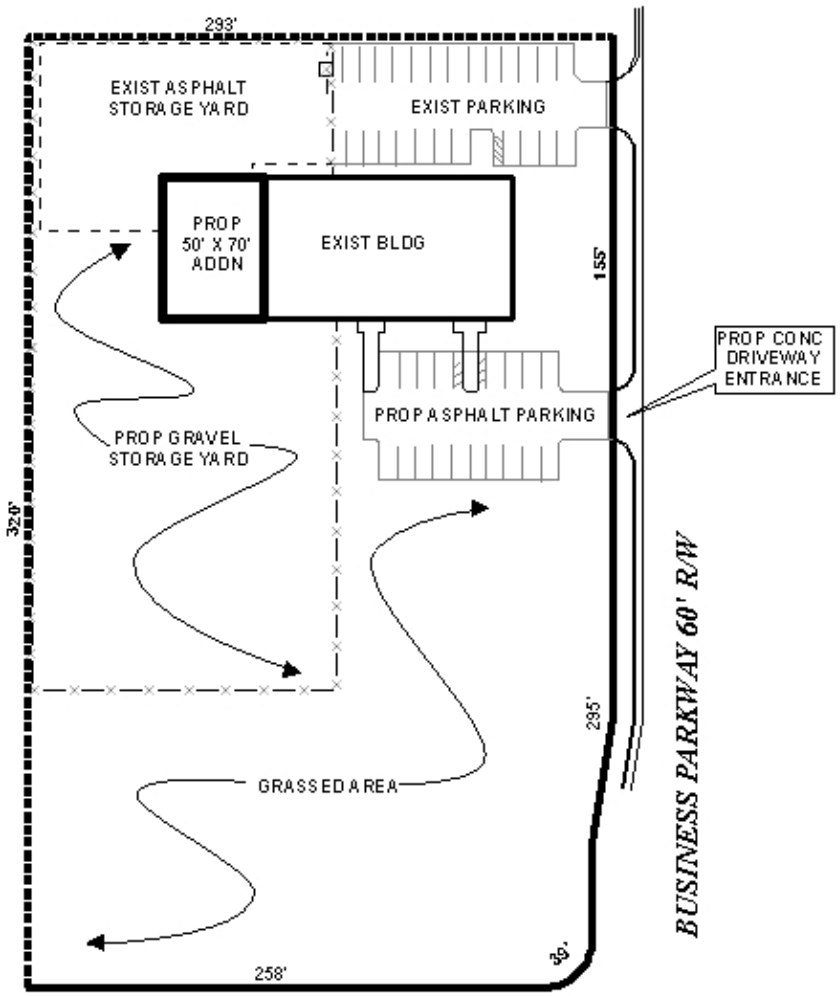
# SITE PLAN




The site plan illustrates the proposed building addition, proposed parking area, and proposed gravel storage yard.

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