

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2011**

<u>CASE NUMBER</u>	5685
<u>APPLICANT NAME</u>	Advanced Disposal Services Gulf Coast, LLC (Joe Stevens, Agent)
<u>LOCATION</u>	6225 Rangeline Road (East side of Rangeline Road, 1400'± North of Old Rangeline Road).
<u>VARIANCE REQUEST</u>	PARKING SURFACE: Parking Surface Variance to allow a gravel parking and maneuvering area for a disposal and recycling facility in a B-5, Office-Distribution District.
<u>ZONING ORDINANCE REQUIREMENT</u>	PARKING SURFACE: The Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface in a B-5, Office-Distribution District.
<u>ZONING</u>	B-5, Office-Distribution
<u>AREA OF PROPERTY</u>	1.0± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Parking Surface Variance to allow a gravel parking and maneuvering area for a disposal and recycling facility in a B-5, Office-Distribution District; the Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approve alternative paving surface in a B-5, Office-Distribution District.

The applicant simply states that the desire is to keep the current use of a gravel parking lot which has been in use for years and has functioned well for the operations that take place on the site. It is also stated that a 20' expansion to the rear of the existing building is proposed.

The site was annexed into the city with the Theodore area annexation and was in its current use at that time with the gravel parking and maneuvering area which is considered legal

nonconforming. However, with the proposed addition to the building, the site must be brought into compliance with the Zoning Ordinance requirements. In addition to seeking this variance, the applicant also has a pending Sidewalk Waiver to waive the construction of a sidewalk along Rangeline Road.

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 reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment or heavy object storage could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. However, there has been no mention of such by the applicant in this case. And photographs of the site indicate only rubber-tired refuse trucks on site which are capable of maneuvering on compliant paved surfaces without adverse impact.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would present an undue hardship with respect to the paving and maneuvering surface requirement of the Ordinance. It is simply the applicant's desire to retain the gravel parking and maneuvering surface.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

Revised for the August meeting:

This application was heldover from the July meeting to allow the applicant to revise the site plan to incorporate a building expansion greater than that shown on the submitted plan.

A revised site plan and narrative were submitted. The existing 3,560 square-foot building is proposed to be expanded to approximately 6,590 square feet. The revised site plan indicates expanded and paved vehicular parking for seven standard vehicles and compliance with landscaping and tree planting requirements. However, the six existing parking spaces in front of the building with noncompliant 20' access/maneuvering area remain and the applicant has asked that they be allowed to continue in use. Since the total office space in the building will be

2,555 square feet, eight compliant parking spaces would be required, but no parking requirements were furnished for the service bay areas, so total required parking for the site cannot be determined. It appears that there may be sufficient area on the site to shift the existing parking directly in front of the building to the proposed front grass area and vice versa to gain fully compliant parking and retain required frontage landscaping area. Compliant parking should include parking spaces meeting the requirements of the Americans with Disabilities Act (ADA). The revised narrative explains that the gravel-paved area is used as a laydown yard for the dumpsters that are loaded and unloaded on-site. Typically, the Board has been sympathetic to the granting of Surface Variances where heavy equipment and items are stored and moved due to the potential for damage to compliant paved surfaces.

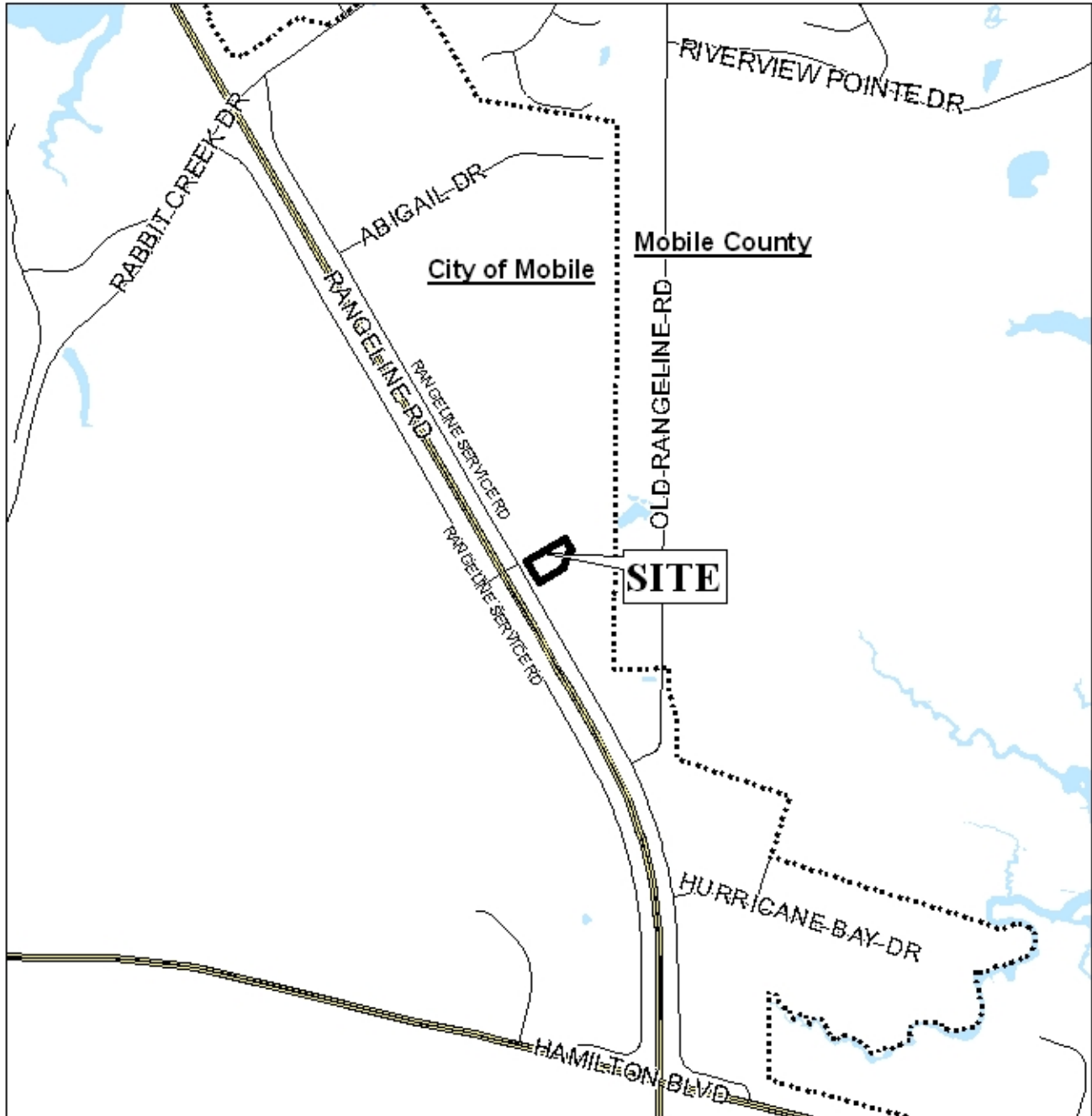
RECOMMENDATION:

Based on the preceding, the request to allow a gravel parking and maneuvering area within the laydown yard is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to indicate fully compliant standard vehicle and ADA parking by swapping the existing parking in front of the building with the proposed grassed area on the site plan, and furnishing of substantiating parking ratio calculations and frontage landscaping area calculations; and
- 2) full compliance with all other municipal codes and ordinances.

The request to allow the existing nonconforming parking to remain in front of the building is recommended for denial.

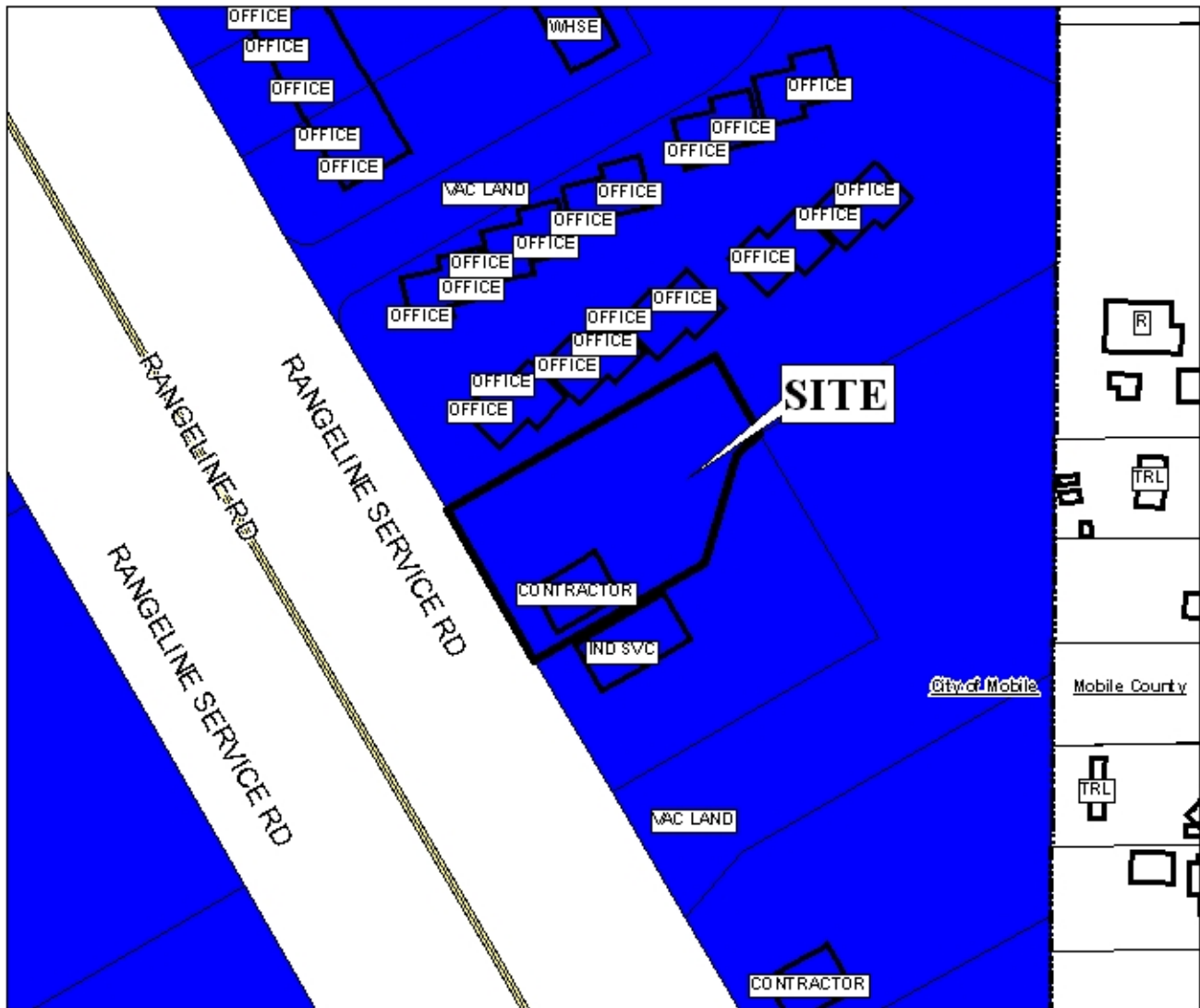
LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

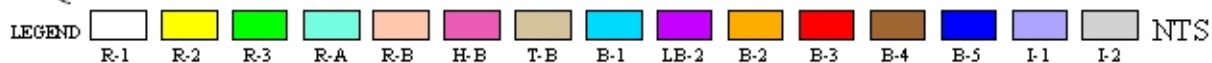


Commercial sites are located to the north and south of the site. Residential sites are located to the east of the site.

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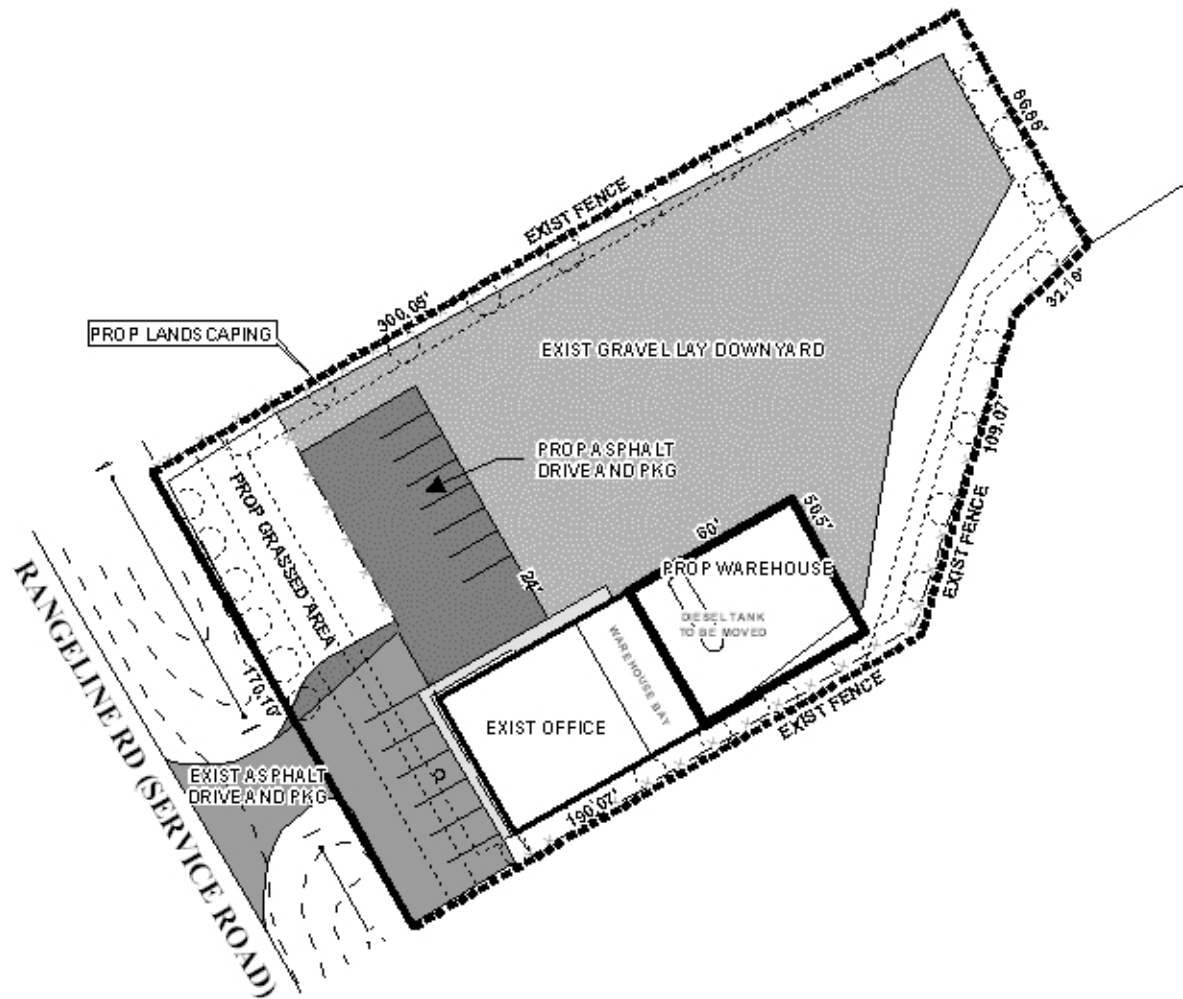


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SITE PLAN



The site plan illustrates the existing building, gravel laydown yard, proposed asphalt drive, proposed asphalt parking, and the proposed building addition.

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