

HOLDOVER

APPLICATION NUMBER

5468

A REQUEST FOR

**PARKING AND ACCESS/MANEUVERING SURFACE
VARIANCES TO ALLOW AGGREGATE PARKING AND
ACCESS/MANEUVERING AREAS IN AN I-1, LIGHT
INDUSTRY DISTRICT; PARKING AND
ACCESS/MANEUVERING AREAS MUST BE ASPHALT,
CONCRETE OR AN APPROVED ALTERNATIVE PAVING
SURFACE IN I-1, LIGHT INDUSTRY DISTRICTS.**

LOCATED AT

3500 GOVERNMENT BOULEVARD

(North side of Government Boulevard Service Road, 560'± West of I-65 Service Road South.)

APPLICANT/OWNER

SOUTHERN EARTH SCIENCES, INC.

AGENT

FRANK A. DAGLEY & ASSOCIATES, INC.

BOARD OF ZONING ADJUSTMENT

JUNE 2008

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ANALYSIS APPLICATION 5468

Date: June 2, 2008

The applicant is requesting Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an I-1, Light Industry District; parking and access/maneuvering areas must be asphalt, concrete or an approved alternative paving surface in I-1, Light Industry Districts.

The subject site was reviewed for Subdivision, Rezoning, and Planned Unit Development Approval in May, 2007. The rezoning was from B-3, Community Business, to I-1, Light Industry, and it was emphasized in the rezoning analysis that the gravel lay-down yard shown on the site plan would require a Variance. When the development plans were submitted for permitting review, the property was erroneously indicated as being zoned I-2, Heavy Industry, and site compliance aspects, including the parking and access/maneuvering surfaces, were based on such zoning. When the site plans were revised to indicate the correct I-1 zoning, driveway, parking, and lay-down yard surfaces were still proposed to be aggregate, hence this application. Also, since there were major site plan changes to the permitting review site plan from the Planning Commission-approved site plan, an amended Planned Unit Development was approved at the May 1st Planning Commission meeting. One of the conditions of approval was "Gravel parking subject to approval by the Zoning Board of Adjustment, otherwise paved parking and maneuvering will be required (and a revised site plan)".

The applicant states that, due to the nature of heavy equipment vehicles utilized in performing geotechnical services, a limestone surface will be very conducive for maneuvering and parking of such vehicles. The site plan submitted with the application indicates that the first 230'± of the entrance drive from Government Boulevard Service Road would be paved according to compliant standard, and from that point on, all paving surfaces are to be limestone.

The reason aggregate is not an approved surface is because of the possibility of the surface to shift or be transported via tires onto the right-of-way and adjacent properties, and parking surfaces are not readily delineated. Inasmuch as the limestone surface would be very conducive for the maneuvering and parking of heavy vehicles, and assuming such vehicles are capable of traveling on standard paved public streets, there is nothing which should prevent the vehicles from maneuvering and parking on a compliant surface within the subject site. As previously mentioned, all maneuvering and parking surfaces for the site, other than a portion of the main entrance drive, are proposed to be limestone. There is nothing which should prevent standard cars, light trucks, and vans from utilizing compliant paved and delineated parking surfaces. In cases where the basis for a Parking and Access/Maneuvering Surface Variance has been the fact that non-mobile heavy industrial equipment and construction and fabrication materials or tracked construction equipment could adversely impact the surface due to dragging, chipping, or sharp impact, a surface variance has been justified. In this case, the equipment is apparently not of a surface detriment if it is capable of traveling the public streets. And, due to the proximity

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of the site directly adjacent to the Montlimar Creek Drainage Canal, which is part of the Dog River Watershed, and the potential of contaminated test materials dropping onto the surface, benefits toward impeding site ground contamination and run-off into the canal may not be achieved by the use of a limestone surface.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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 failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to use aggregate parking and access/maneuvering areas in an I-1, Light Industry District.

This application was held over from the May meeting due to the lack of the applicant's representation at the meeting. None of the conditions pertaining to the subject property or the basis for the variance request have changed, and no new review of the case has transpired.

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RECOMMENDATION 5468

Date: June 2, 2008

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

LOCATOR MAP



APPLICATION NUMBER 5468 DATE June 2, 2008

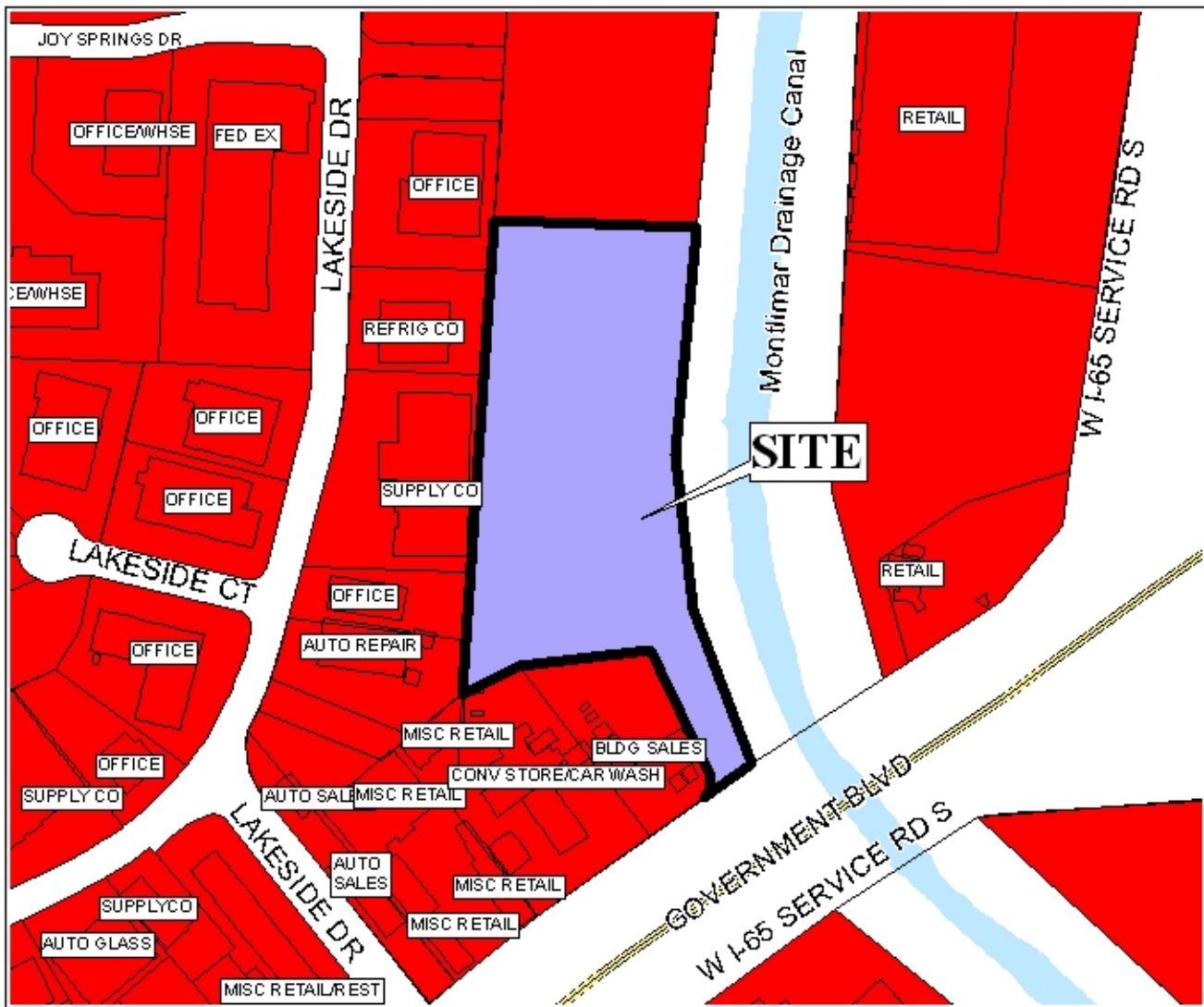
APPLICANT Southern Earth Sciences, Inc.

REQUEST Parking, Access / Maneuvering Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

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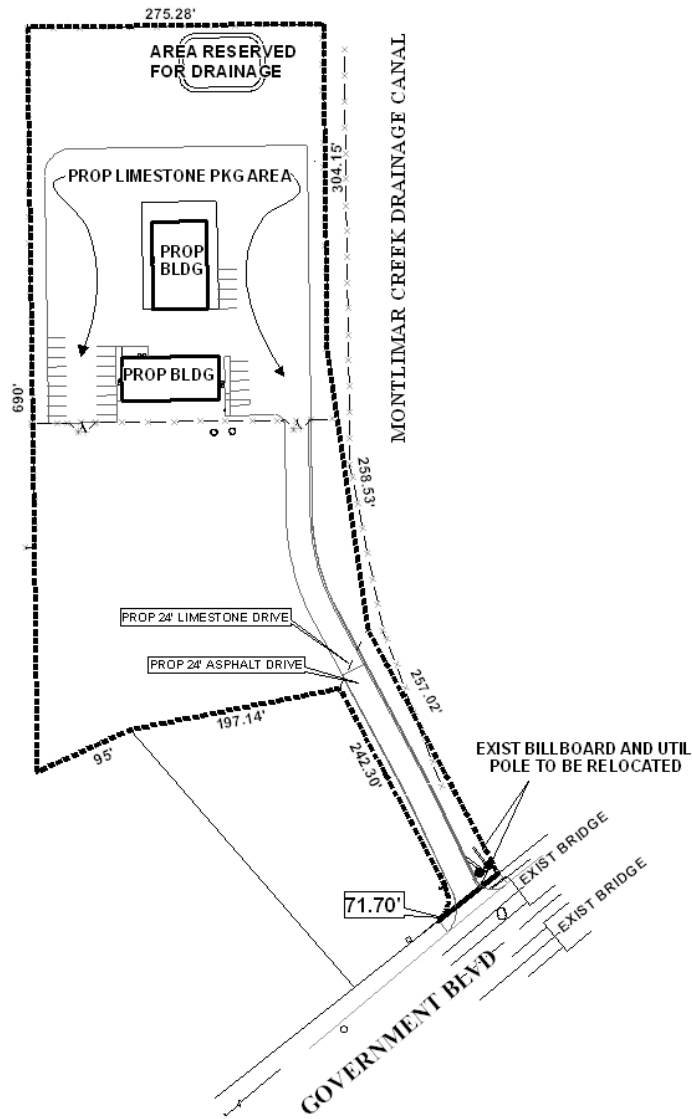
REQUEST Parking, Access / Maneuvering Variance

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	NTS
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SITE PLAN



The site plan illustrates the proposed development

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