

**HOLDOVER**

APPLICATION NUMBER

**5476**

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW THREE PARKING SPACES FOR A 40-BED OUTREACH HOUSING FACILITY; THE ZONING ORDINANCE REQUIRES TEN PARKING SPACES FOR A 40-BED OUTREACH HOUSING FACILITY.**

LOCATED AT

**1867 DUVAL STREET**

(South side of Duval Street, at the South terminus of Murray Hill Court [private street])

APPLICANT/OWNER

**ELIJAH HOUSE, INC.**

AGENT

**MICHAEL L. THOMAS**

**BOARD OF ZONING ADJUSTMENT**

AUGUST 2008

## HOLDOVER

### **ANALYSIS APPLICATION 5476**

**Date: August 4, 2008**

The applicant is requesting a parking ratio variance to allow three parking spaces for a 40-bed outreach housing facility; the Zoning Ordinance requires ten parking spaces for a 40-bed outreach housing facility.

This application for a parking ratio variance is in conjunction with three applications to the Planning Commission: Planning Approval to allow an outreach program with housing to include prison release inmates in a B-3, Community Business District, Planned Unit Development Approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot. Parole-based halfway-houses require Planning Approval when located in B-3 districts, however, the site has been in use for several months without approval.

The applications to the Planning Commission, originally heard at the June 5, 2008 meeting, have been held over until the July 10<sup>th</sup> meeting of the Planning Commission in order to allow the applicant to revise the site plan to depict right-of-way dedication for Duval Street, as well as to provide additional information regarding the outreach housing facility and associated activities. No revised information was submitted, but the applicant did submit a letter stating that he will request a Holdover at the July 10<sup>th</sup> meeting so that he can have more time to address the concerns and requested revisions.

The site fronts onto Duval Street, a proposed major street. The existing right-of-way width for Duval Street is 50 feet, but as a major street, the right-of-way width should be 80 feet, according to the Major Street Plan component of the Comprehensive Plan. Dedication of right-of-way along Duval Street sufficient to provide 40-feet, as measured from the centerline of Duval Street, may be required as part of the Subdivision application being considered by the Planning Commission. The dedication requirement may impact the proposed parking, thus a holdover of this application to allow for site plan revisions associated with the Planning Commission cases might be advisable.

The site is developed with several buildings, however it appears that some parking could be provided elsewhere on the site – but doing so would potentially require moving a small existing metal building, new paving, and potentially compliance with other City requirements, such as storm water detention.

It should also be pointed out that there may be Building and Fire code issues that will need to be addressed, if the Planning Commission and Board of Zoning Adjustment applications are approved.

Finally, the applicant should provide information regarding the number of employees for the site, the hours of operation regarding the outreach activities, and the maximum number of employees for the site during peak hours.

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

## **HOLDOVER**

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.

### ***Revised for the August 4<sup>th</sup> meeting:***

This application was heldover from the previous meeting to allow the applicant to provide additional information regarding the operations of the facility. No additional information was provided.

## HOLDOVER

### **RECOMMENDATION 5476**

**Date: August 4, 2008**

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Based on the preceding, this application is recommended for Holdover until the August 4<sup>th</sup> meeting, with revisions due by July 14<sup>th</sup>, so that the following can be provided:

- 1) Revision of the site plan to reflect Planning Commission application revision requirements; and
- 2) Provision of information regarding the total number of employees, the hours of outreach operations, and the maximum number of employees anticipated during peak use of site.

#### ***Revised for the August 4<sup>th</sup> meeting:***

This application is recommended for denial as insufficient information has been provided to justify a hardship.