

APPLICATION NUMBER

5219

A REQUEST FOR

**PARKING SURFACE VARIANCE TO ALLOW AN
AGGREGATE PARKING AREA IN A B-3, COMMUNITY
BUSINESS DISTRICT; PARKING AREAS MUST BE
ASPHALT, CONCRETE OR AN APPROVED
ALTERNATIVE PAVING SURFACES ARE REQUIRED IN
B-3, COMMUNITY BUSINESS DISTRICTS**

LOCATED AT

4401 GOVERNMENT BOULEVARD

(South side of Government Boulevard, 650'± West of Knob Hill Drive)

APPLICANT/OWNER

VERNON HUMPHREY

AGENT

FRANK A. DAGLEY & ASSOCIATES

BOARD OF ZONING ADJUSTMENT

JANUARY 2004

The applicant is requesting a Parking Surface Variance to allow an aggregate parking area in a B-3, Community Business District; parking areas must be asphalt, concrete or an approved alternative paving surfaces are required in B-3, Community Business Districts.

The applicant states the existing electric trolling motor sales and service building will be demolished. The proposed plan illustrates a 3,900 square feet building (1,250 sq. ft. open bay, 1,250 sq. ft. shop area and 1,400 sq. ft. showroom) with the required asphalt parking area. The applicant states that a portion of the existing aggregate will remain for a boat drop off area so as not to take up the proposed asphalt parking area required for employee and customer parking. The applicant states that the owner will provide signage designating "Boat Parking Only" for this area.

In July 2003, the applicant received rezoning approval from the City Council from R-1, Single-Family Residential to B-3, Community Business. One of the conditions of the rezoning was compliance with Urban Forestry comments crushed limestone to be removed from the critical root zone of the 38" Live Oak; and all work under the canopy to be coordinated with Urban Forestry. The approval of this variance would not remove this condition, Urban Forestry determine how much aggregate must be removed.

There are several reasons aggregate is not an approved surface, the possibility of the aggregate to shift onto the right-of-way and adjacent properties, parking spaces are not readily delineated and without the appropriate compaction of the subsurface materials, benefits toward impeding run-off will not be achieved.

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.

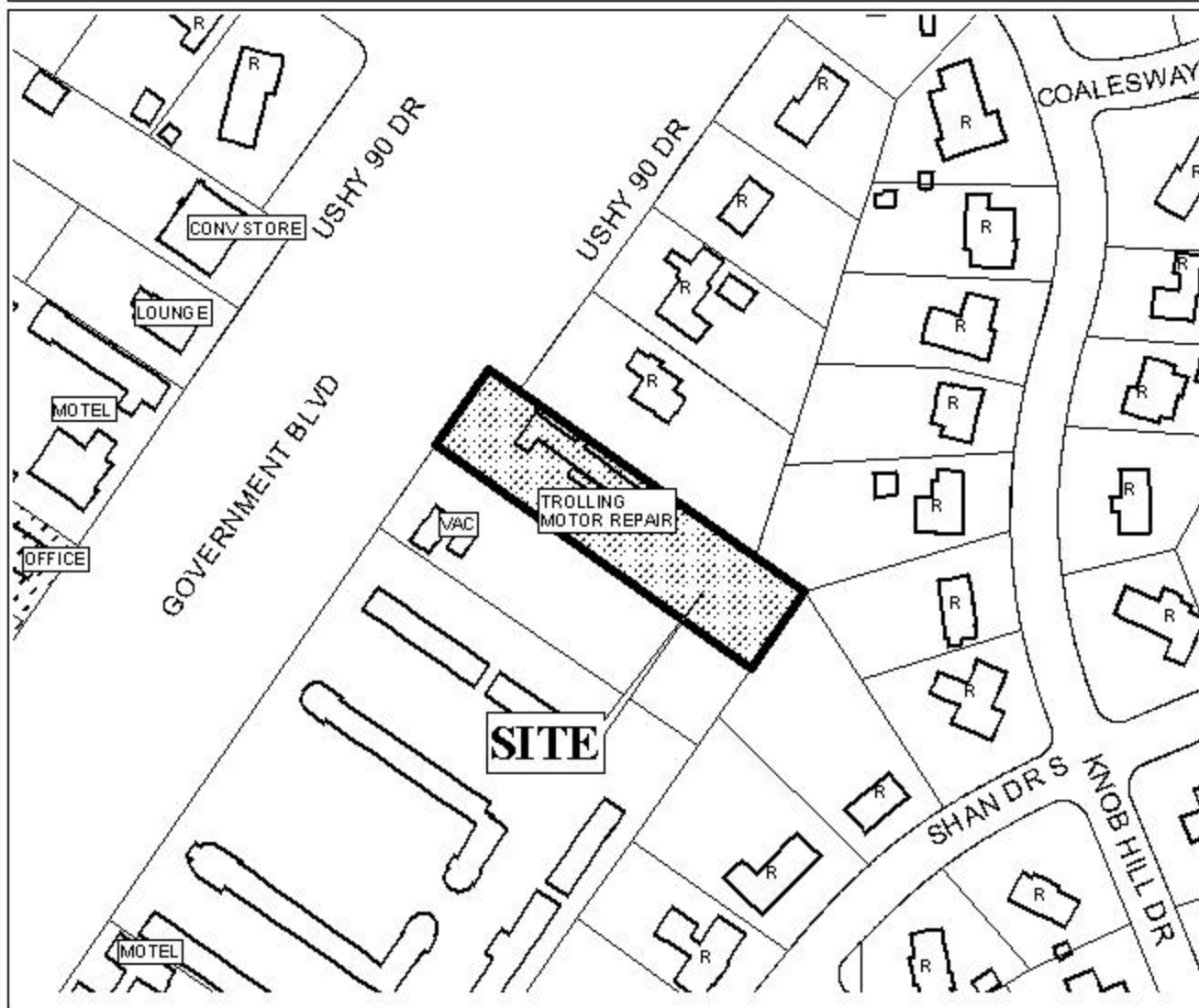
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to allow the aggregate remain.

RECOMMENDATION 5219**Date: January 12, 2004**

Based on the preceding, it is recommended that this application be denied.

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Located to the North, East, and South of the site are single family residential dwellings; miscellaneous retail and a motel are to the West.

APPLICATION NUMBER 5219 DATE January 12, 2004

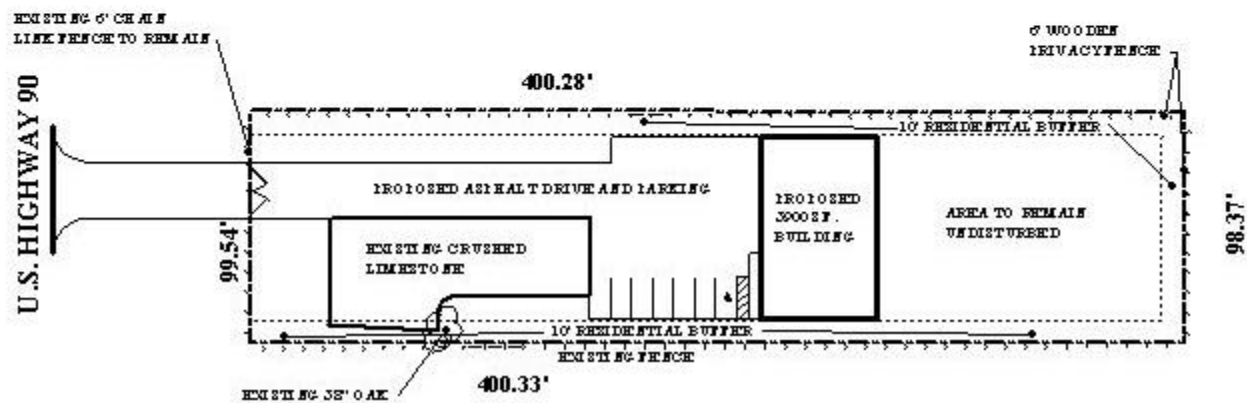
APPLICANT Vernon Humphrey

REQUEST Parking Surface Variance

LEGEND



SITE PLAN



The site is located on the South side of Government Boulevard, 650' West of Knob Hill Drive. The plan illustrates the existing crushed limestone, along with the proposed building and asphalt drive.

APPLICATION NUMBER 5219 DATE January 12, 2004
 APPLICANT Vernon Humphrey
 USE/REQUEST Parking Surface Variance

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