

APPLICATION NUMBER

**5380**

A REQUEST FOR

**PARKING SURFACE AND ACCESS AND MANEUVERING  
VARIANCES TO ALLOW AGGREGATE PARKING AND  
MANEUVERING AREAS, AND TO ALLOW AN 11'-5"  
WIDE ACCESS DRIVE ON A COMMERCIAL SITE  
ZONED R-B, RESIDENTIAL-BUSINESS; THE ZONING  
ORDINANCE REQUIRES PLANNING APPROVAL FOR  
GRAVEL PARKING SURFACES WITHIN THE HANK  
AARON LOOP, AND A MINIMUM 12' WIDE ACCESS  
DRIVE IS REQUIRED FOR ONE-WAY DRIVE AISLES  
WITHIN ALL COMMERCIAL DISTRICTS.**

LOCATED AT

**308 CONGRESS STREET**

(Northeast corner of Congress Street and North Claiborne Street)

APPLICANT/AGENT

**ANDREW S. MUND/APPLIED MARINE DESIGN, LLC**

OWNERS

**ANDREW S. & BETH D. MUND**

**BOARD OF ZONING ADJUSTMENT**

OCTOBER 2006

The applicant is requesting Parking Surface and Access and Maneuvering Variances to allow aggregate parking and maneuvering areas, and to allow an 11'-5" wide access drive on a commercial site zoned R-B, Residential-Business; the Zoning Ordinance requires Planning Approval for gravel parking surfaces within the Hank Aaron Loop, and a minimum 12' wide access drive is required for one-way drive aisles within all commercial districts.

The applicant currently operates a business as a home occupation on the subject property, but plans to convert the site to entirely commercial use within the next six months utilizing the existing crushed limestone parking and maneuvering surface, and the existing 11'-5" wide access drive along North Claiborne Street. It is stated that the crushed white limestone surface will be in keeping with the residential aesthetics of the neighborhood, would improve drainage, and preserve the root structures of the only two mature trees on the lot. The applicant also states that heavy paving equipment would damage the root structures of these trees.

The site is located within the DeTonti Square Historic District and the Hank Aaron Loop. All sites fronting both Congress Street and North Claiborne Street within the block, as well as the two sites along the South side of Congress Street, are used residentially. Commercial sites within the Hank Aaron Loop are afforded relief from the standard on-site parking ratio requirements by requiring one parking space per 600 square feet of gross floor area (rather than 1:300), and are allowed a gravel surface with Planning Commission Approval. The Planning staff has determined that since a variance was needed for the substandard access on this site, the gravel parking request could be decided via a variance also.

Since the site is within the Hank Aaron Loop, it is required to have four on-site parking spaces, and the standard access width of 12' is required. The site plan submitted indicates four parallel parking spaces, and the applicant has accurately stated that the Ordinance does not specifically state that parallel parking is prohibited, nor that angled parking is required. It is further stated that inadequate maneuvering room prevents angled parking on this narrow lot. Traffic flow is indicated to be one-way, with the entrance on Congress Street and the exit on North Claiborne Street, via the substandard curb cut. Traffic Engineering has conducted an on-site review and determined that a driveway and parking layout site plan should be submitted for their approval.

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.

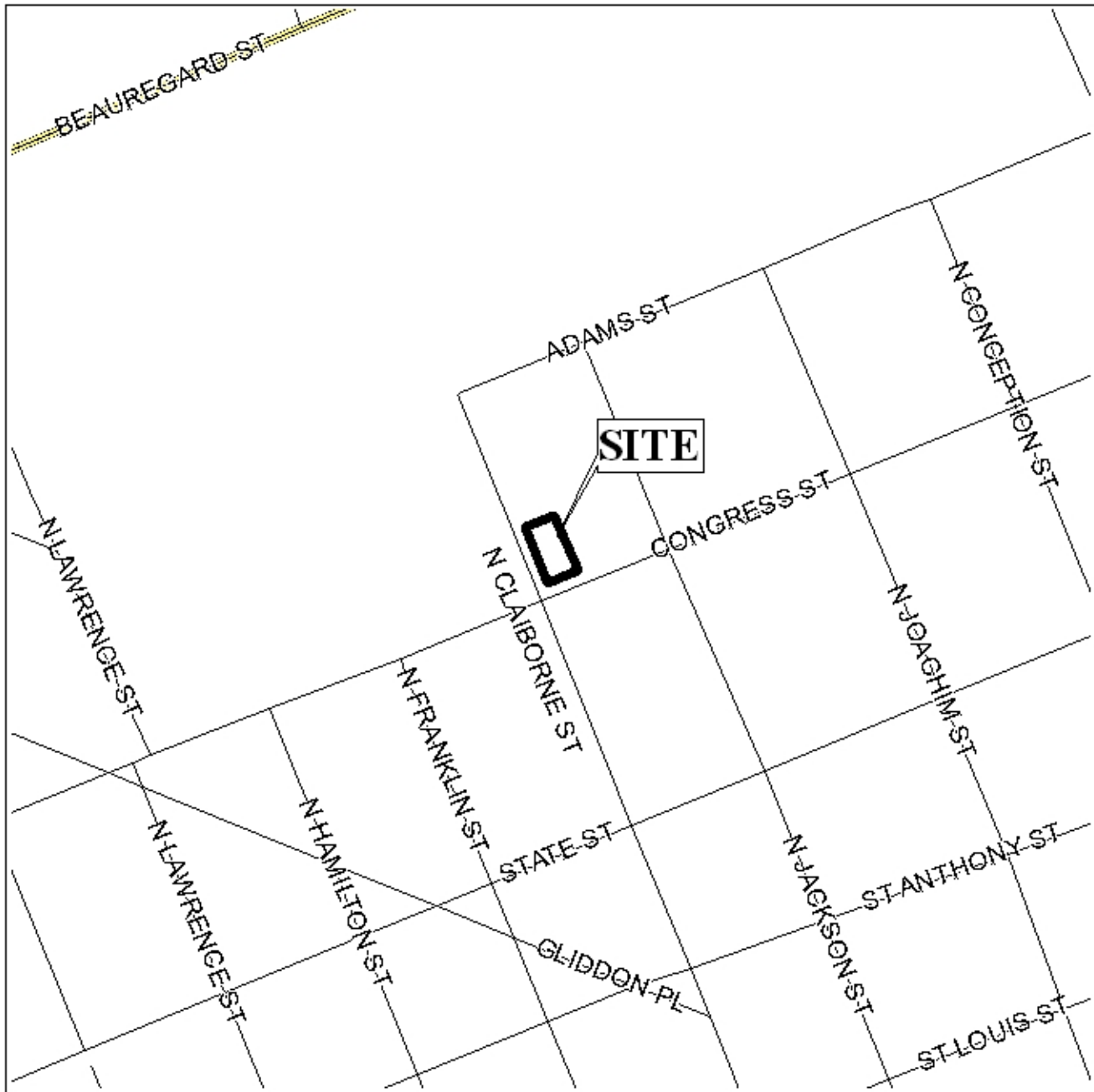
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 with respect to the substandard curb cut along North Claiborne Street. To some extent, it has been illustrated that a literal enforcement of the Ordinance could impose an undue hardship with respect to the possible damage to the mature tree root system caused by paving. Since the site is located within an R-B, Residential-Business District, mixed uses are allowed within close proximity to one another. Since the site is adjoined by residential use, the proposed change in use for the site from residential to business should incorporate methods to maintain as much of the residential character of the property as possible and minimize any negative impact on the remaining residentially-used sites.

**RECOMMENDATION 5380****Date: October 2, 2006**

Base on the preceding, it is recommended that the variance request for substandard access (along North Claiborne Street) be denied, and the variance request for the parking/maneuvering surface be approved subject to the following conditions: (1) coordination with Traffic Engineering on the driveways and parking layout plan; and (2) full compliance with all other municipal codes and ordinances.

## LOCATOR MAP



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APPLICANT Applied Marine Design

REQUEST Parking Surface, Access Maneuvering Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial land use

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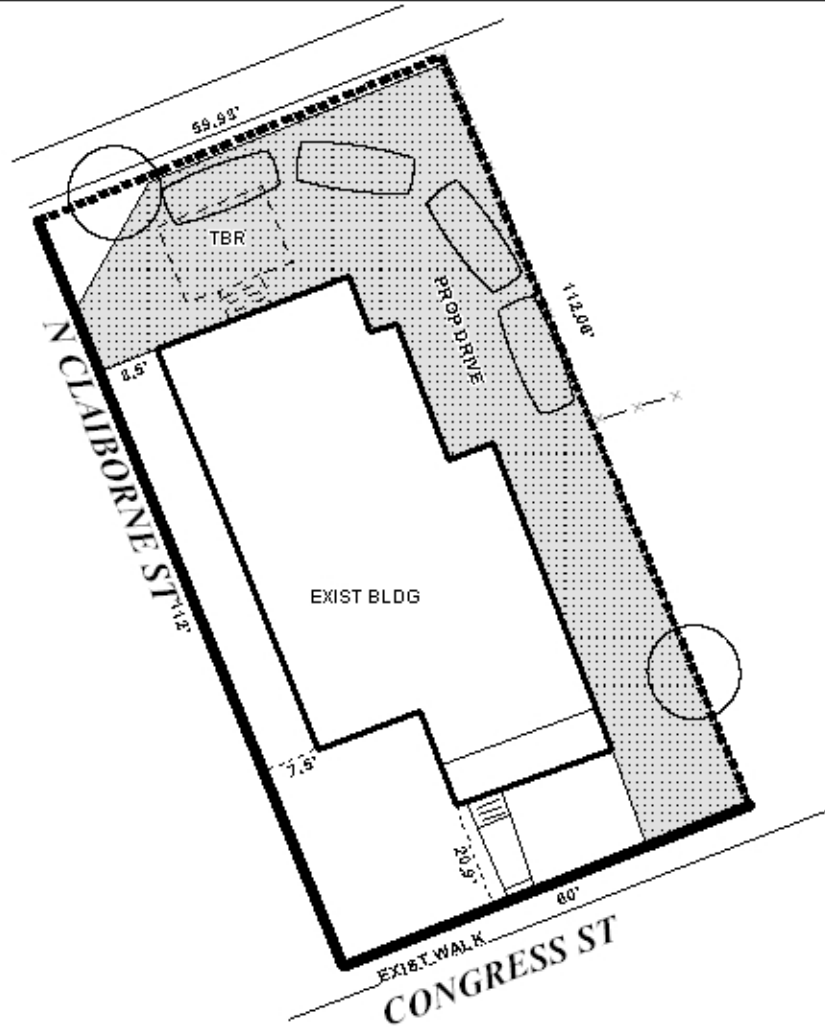
LEGEND 

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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# SITE PLAN



The site plan illustrates the existing building, proposed parking, and proposed drive

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