

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 4, 2010****CASE NUMBER**

5634/5616

APPLICANT NAME

Apostolic Overcoming Holy Church of God

LOCATION

2257 St. Stephens Road
(West side of St. Stephens Road, extending from Vetter Street to Allison Street, and Northeast corner of St. Stephens Road and Dickens Avenue)

VARIANCE REQUEST

PARKING RATIO: Parking Ratio to allow a total of 214 parking spaces for an existing 905-seat sanctuary and 8-bed domiciliary care facility in a B-1, Buffer Business District.

PARKING SURFACE: Parking Surface Variance to allow grass parking on-site in a B-1, Buffer Business District.

OFF-SITE PARKING: Off-Site Parking Variance to allow expanded nonconforming off-site parking in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

PARKING RATIO: One parking space per four sanctuary seats and one parking space per four beds for a domiciliary care facility for a total number of 229 parking spaces required in a B-1, Buffer Business District.

PARKING SURFACE: Parking surfaces must be asphalt, concrete, or an approved alternative paving surface in a B-1, Buffer Business District.

OFF-SITE PARKING: Nonconforming off-site parking expansion is not allowed in a B-3, Community Business District.

ZONING

B-1, Buffer Business and B-3, Community Business

AREA OF PROPERTY

2.76± Acres (on-site), 0.37± Acres (off-site)

TRAFFIC ENGINEERING
COMMENTS

No comments.

CITY COUNCIL
DISTRICT

District 1

ANALYSIS

The applicant is requesting Parking Ratio, Parking Surface and Off-Site Parking Variances to allow a total of 214 parking spaces for an existing 905-seat sanctuary and 8-bed domiciliary care facility and grass parking on-site in a B-1, Buffer Business District, and expanded off-site parking in a B-3, Community Business District; the Zoning Ordinance requires a minimum of one parking space per four seats for a sanctuary and one space per four beds for a domiciliary care facility (229 total spaces) and parking surfaces to be asphalt, concrete, or an approved alternative paving surface in a B-1, Buffer Business District, and non-conforming off-site parking expansion is not allowed in a B-3, Community Business District.

The applicant proposes to construct a new multi-purpose building on the main site with grass parking on that site, and expand existing nonconforming off-site parking across St. Stephens Road from the main site. With a current seating capacity of 725 seats and a proposed balcony expansion to 180 seats, the total sanctuary seating capacity would be 905 seats, and the 8-bed domiciliary care facility located on the main site would bring the total parking required on-site to 229 parking spaces. The applicant was granted Parking Surface and Off-Site Parking Variances at the May 3, 2010 Board meeting to allow grass parking on-site in a B-1, Buffer Business District, and expanded off-site parking in a B-3, Community Business District. The parking requirements were met with the approval of the previous variance allowing additional off-site parking. That variance was granted despite Traffic Engineering concerns with the proposed site plan. Associated two-lot Subdivision and Planned Unit Development applications were approved at the May 6, 2010 Planning Commission meeting, but Traffic Engineering concerns were incorporated into the conditions of approval and required the following associated with traffic:

- 1) *revision of the parking layout to meet the requirements of Traffic Engineering, including the closing of curb-cuts, and to ensure that parking circulation minimizes traffic conflicts as discussed in the report;*
- 2) *consult with Traffic Engineering and ALDOT to determine if the delineation of crosswalks is possible across St. Stephens Road, and revision of the site plan to depict crosswalks if determined feasible; and*
- 3) *submission of a new application to the Board of Zoning Adjustment to address parking ratio deficits, and tree / landscaping deficits if applicable, that will occur due to required site redesign.*

The site plan was revised to meet the Traffic Engineering requirement that all parking spaces be 9'-0" wide instead of 8'-6" wide. This resulted in lowering the total parking spaces which could be provided to 214, 15 spaces short of the required total of 229. The applicant states that average Sunday attendance is between 500 and 600 and much smaller during weekly meetings. While the parking requirement for 600 attendees is 150 spaces, the parking ratio is based on seating capacity to allow adequate parking for all seats. It is further stated that there are over 16 parking

spaces directly across from the church on Allison Street (associated with the Michael Figures Community Center and Park) and that businesses around the church have agreed to allow the church to park on the commercial sites on weekends and after business hours. It is also mentioned that adjacent residential property owners on both Allison and Vetter Streets have agreed to sell to the church presumably for additional parking area.

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.

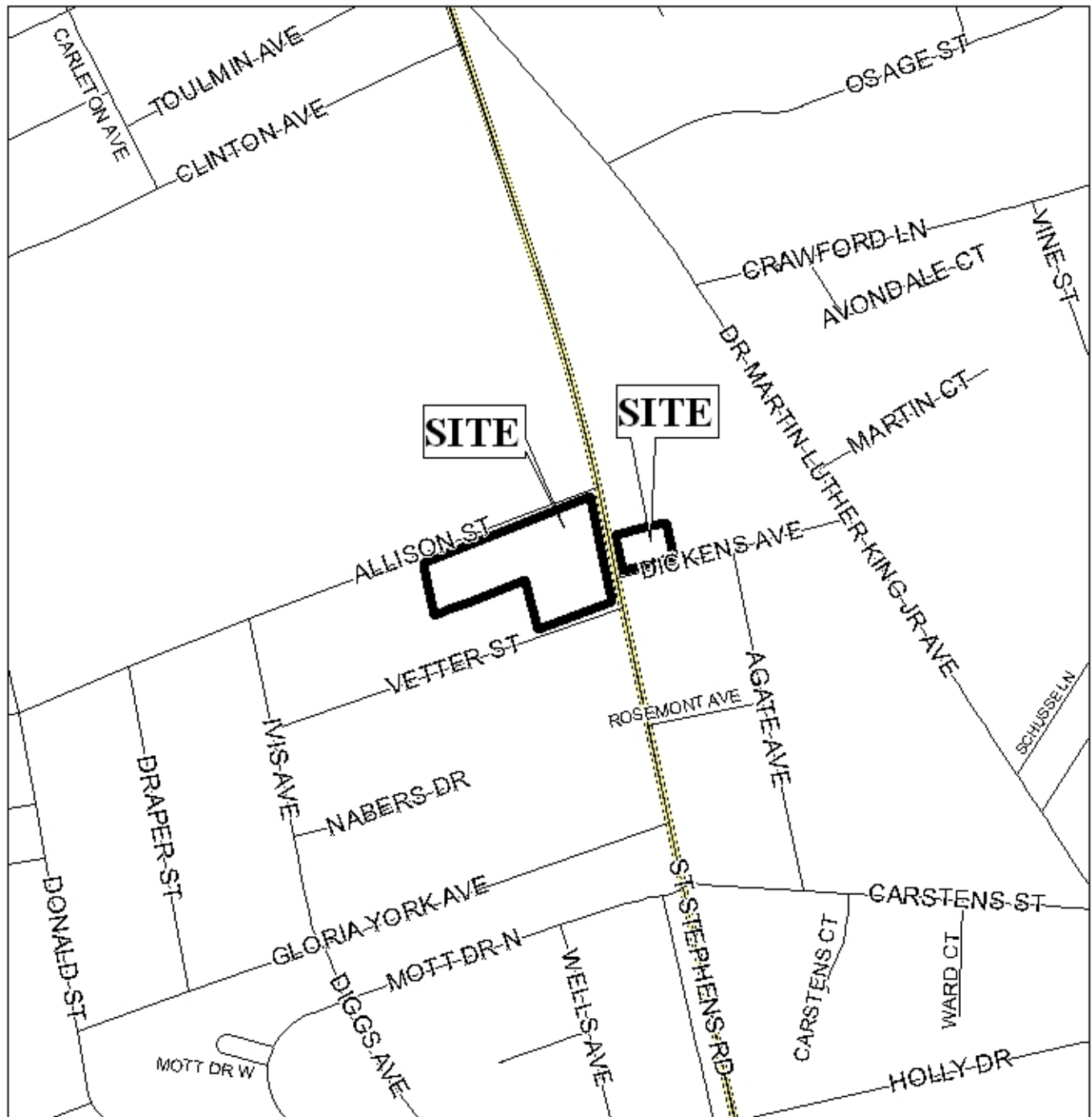
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

As the original Variance application was recommended for denial due to Traffic Engineering concerns and the over-development of the site, and the Planned Unit Development was recommended for holdover to address the same concerns, it is now apparent that the site cannot be developed as proposed to meet both the Traffic Engineering and parking ratio requirements. Further, the off-site parking area does not appear to have sufficient space to meet the perimeter tree planting requirements along its North and East sides, and Urban Forestry has determined that insufficient space is provided for the tree root balls. The current on-street parking does not count toward meeting parking ratio requirements and none of the commercial sites affording off-site parking were included in this application.

Since the applicant is actively working toward the purchase of adjacent properties, it would stand that once purchased, those properties should be included in a revised Subdivision and Planned Unit Development and appropriate rezoning application to provide the required parking and compliant tree planting for the off-site parking area. Other churches in the area have been required to furnish compliant parking and allowing a substandard parking ratio could set a precedent for future applications.

RECOMMENDATION: Based on the preceding, this application is recommended for denial and the applicant is advised to submit Subdivision, Planned Unit Development, and Rezoning applications once adequate property is acquired and a compliant site plan can be developed for both the main and off-site properties.

LOCATOR MAP



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REQUEST Parking Ratio, Parking Surface and Off-Site Parking Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single family residential units are located to the west of the site, 3rd precinct police department is to the north, commercial land use is to the east, and a church is to the south.

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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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



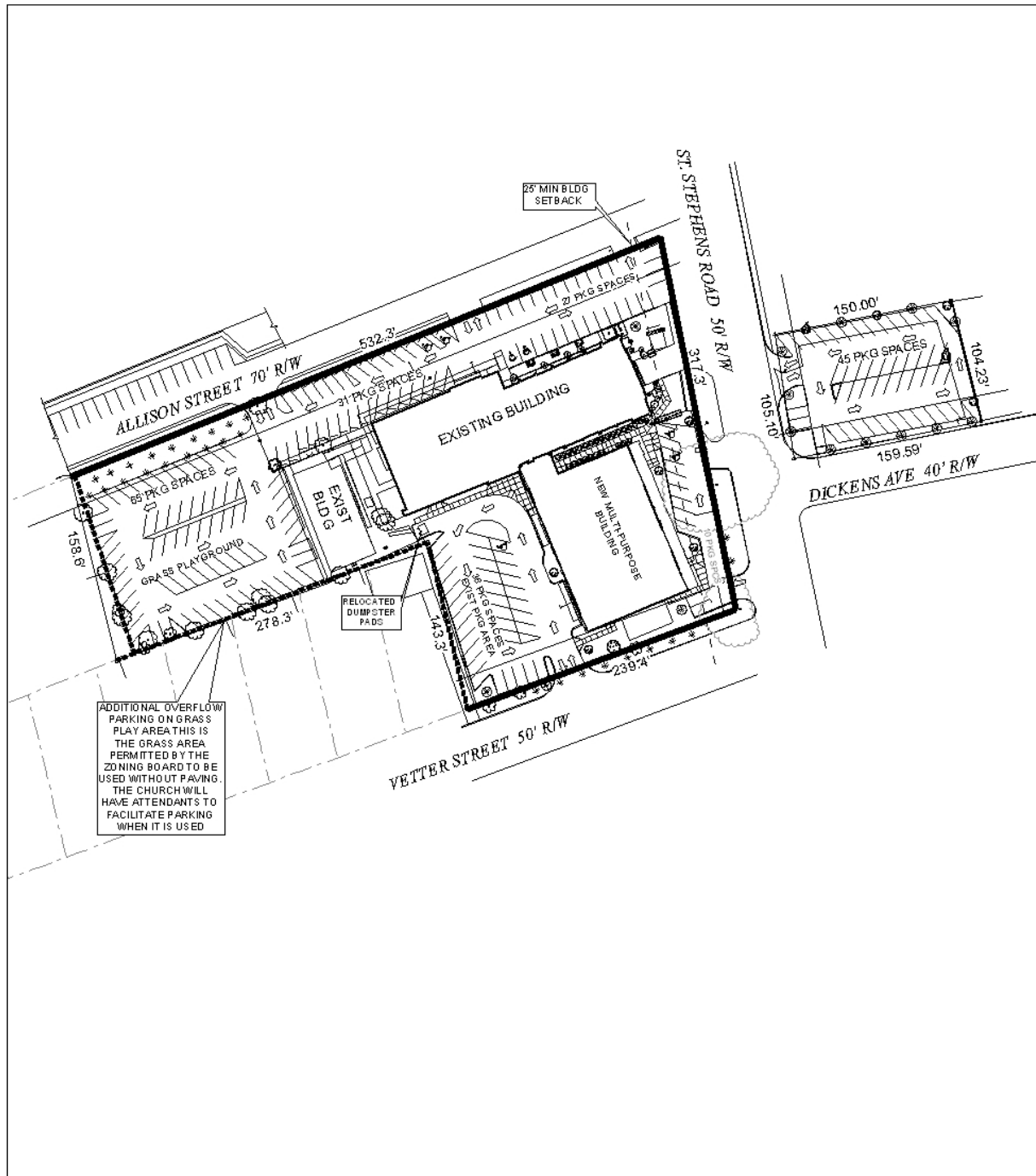
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SITE PLAN



The site plan illustrates existing and proposed parking and buildings.

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