

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 3, 2013****CASE NUMBER**

5832/4934

APPLICANT NAME

M & E, Inc.

LOCATION3240 Moffett Road
(North side of Moffett Road, 410' ± East of Smith Street).**VARIANCE REQUEST****PARKING SURFACE:** Parking Surface Variance to amend a previous Parking Surface Variance to allow gravel surfacing for a maneuvering area in an I-1, Light Industrial District.**ZONING ORDINANCE
REQUIREMENT****PARKING SURFACE:** The Zoning Ordinance requires asphalt or concrete for all parking and maneuvering surfaces in an I-1, Light Industrial District.**ZONING**

I-1, Light Industry

AREA OF PROPERTY

1.7± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting a Parking Surface Variance to amend a previous Parking Surface Variance to allow gravel surfacing for a maneuvering area in an I-1, Light Industrial District; the Zoning Ordinance requires asphalt or concrete for all parking and maneuvering surfaces in an I-1, Light Industrial District.

The site is used by a heavy track equipment rental company and was the subject of a previous Parking Surface Variance approved in June, 2000, to allow crushed limestone in the maneuvering area. The applicant proposes to expand the equipment storage area with gravel surfacing and site plans were submitted for the construction permitting process but were failed due to the requirement of a Surface Variance for the gravel surfacing and for the fact that the site shares access with adjacent properties. An Administrative Planned Unit Development has been submitted and approved to handle the shared access situation, but the previously approved

variance to allow the aggregate equipment parking surface must be amended to allow its expansion; hence this application.

The applicant states that the required asphalt or concrete paved surface is not at all suitable for the maneuvering of heavy track equipment. It is further stated that this property is surrounded by industrial properties and, therefore, the granting of this variance would not have a negative effect on the neighboring properties.

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.

The site plan presented has deficiencies which need to be corrected on a revised site plan. The parking space requirement calculations need to be revised to indicate twelve parking spaces for office use (1/300 square feet, rounded up to twelve spaces), and one space per three warehouse employees, rounded up to two required spaces, for a total of 14 parking spaces required. The site plan should be revised to provide such parking spaces.

The site plan indicates one dumpster within the front yard and within a drive aisle. As dumpsters are not allowed within front yards or drive aisles, the site plan should be revised to relocate this dumpster to a compliant location on the site. Another dumpster is indicated to the rear of the site but without screening or a sanitary sewer connection. The site plan should be revised to indicate any dumpster on site to have the required screening and sanitary sewer connection.

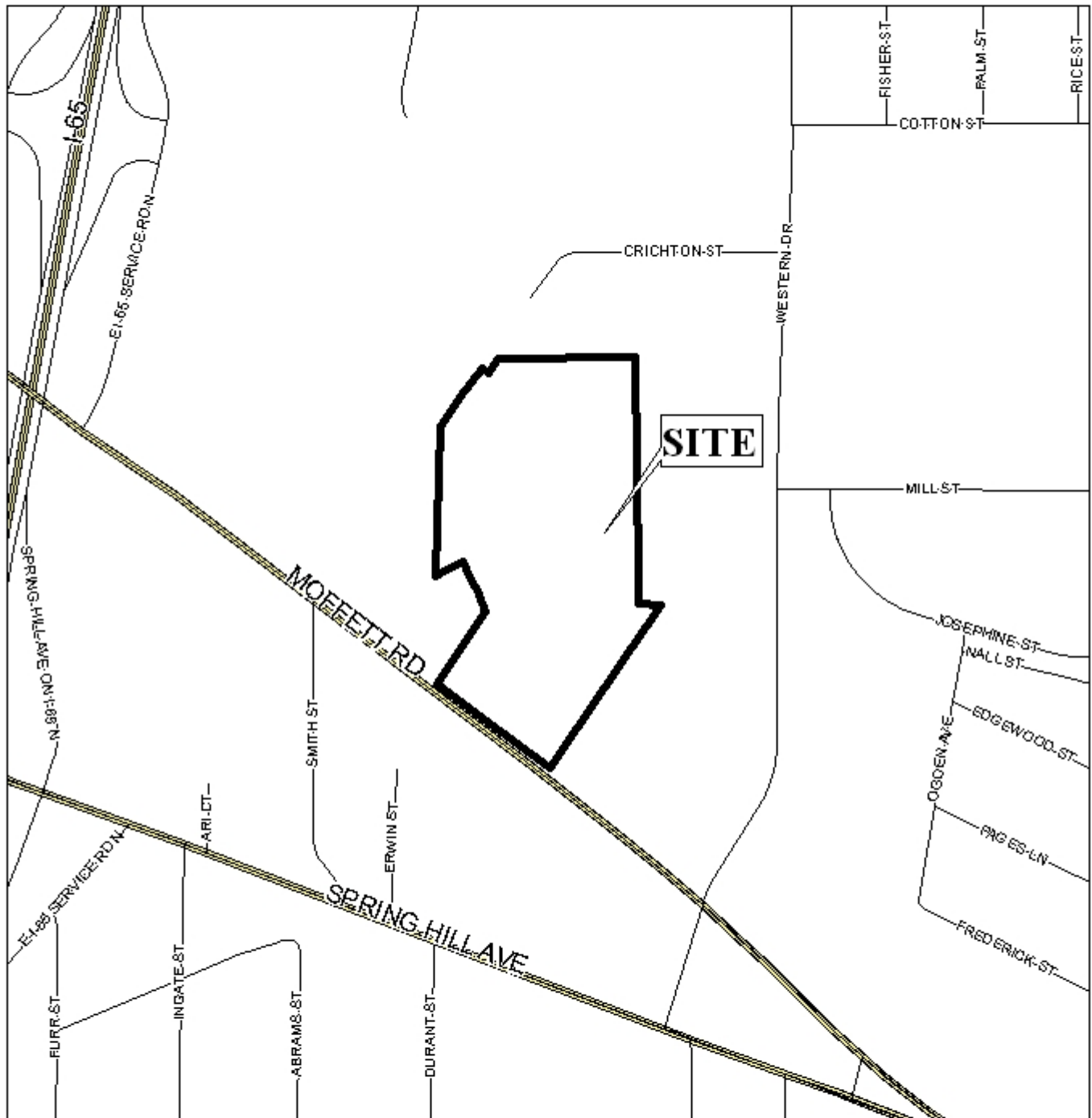
A tree planting plan to cover the street frontages of both lots along Moffett Road should be submitted. As both sites are zoned I-1, only frontage trees are required.

The reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. In this instance, the applicant has illustrated that a literal interpretation of the Zoning Ordinance would impose a hardship, and the Board should consider this application for approval, subject to conditions.

RECOMMENDATION: Based on the preceding, this application is recommend for approval, subject to the following conditions:

- 1) revision of the required parking spaces calculations to indicate twelve parking spaces for office use (1/300 square feet, rounded up to twelve spaces), and revision of the required parking spaces calculations to indicate two parking spaces for warehouse employees (1/3 employees, rounded up to two spaces), for a total of 14 parking spaces required;
- 2) revision of the site plan to provide a total of 14 compliant parking spaces;
- 3) revision of the site plan to remove the dumpster from the front yard and drive aisle;
- 4) revision of the site plan to provide compliant screening and sanitary sewer drainage connections for any dumpster(s) on site;
- 5) revision of the site plan to indicate compliant over-story frontage trees for the adjacent lot to the East;
- 6) submission of a revised site plan to the Planning Section to include the above-listed revisions and any revisions required by the Administrative Planned Unit Development; and
- 7) full compliance with all other municipal codes and ordinances.

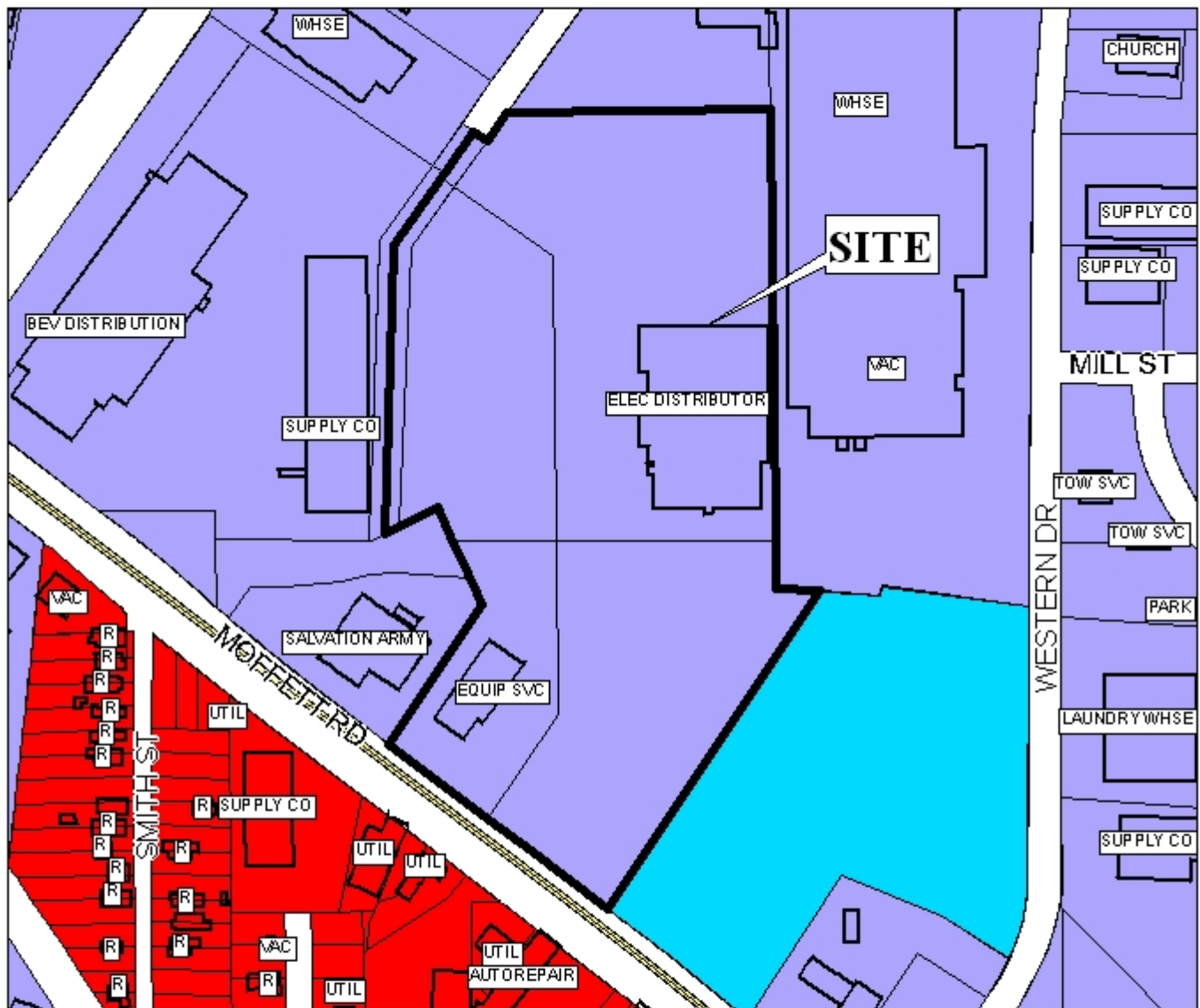
LOCATOR MAP



APPLICATION NUMBER 5832 DATE June 3, 2013
APPLICANT M & E, Inc.
REQUEST Parking Surface Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 5832 DATE June 3, 2013

APPLICANT M & E, Inc.

REQUEST Parking Surface 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

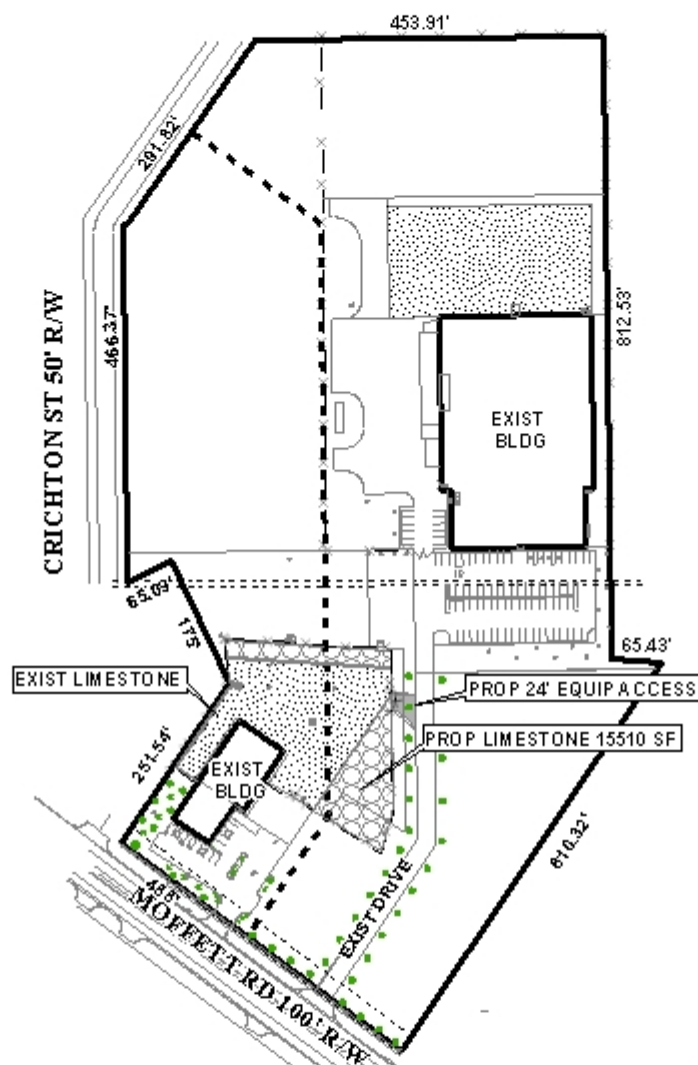


The site is surrounded by commercial land use.

APPLICATION NUMBER 5832 DATE June 3, 2013
APPLICANT M & E, Inc.
REQUEST Parking Surface Variance



SITE PLAN



The site plan illustrates the existing improvements, existing surfaces, and proposed limestone surfaces.

APPLICATION NUMBER 5832 DATE June 3, 2013
 APPLICANT M & E, Inc.
 REQUEST Parking Surface Variance

N

 NTS