

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 1, 2013****CASE NUMBER**

5840/5113/4902

APPLICANT NAME

David Calametti

LOCATION1708, 1710 & 1714 Dauphin Street
(Northeast corner of Dauphin Street and Semmes Avenue)**VARIANCE REQUEST**

USE: Use Variance to amend a previously approved use Variance to allow a 2,500 square foot restaurant within a 6,000 square foot commercial building in an R-1, Single-Family Residential District.

PARKING RATIO: Parking Ratio Variance to allow 22 shared parking spaces between two sites with a 2,500 square foot restaurant within a 6,000 square foot, three-tenant building, and a 1,800 square foot commercial building.

ACCESS AND MANEUVERING: Access and Maneuvering Variances to allow shared access between two sites with substandard parking stalls and aisle widths.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a minimum of B-2, Neighborhood Business District, for a restaurant.

PARKING RATIO: The Zoning Ordinance requires 37 parking spaces for a 6,000 square foot commercial building with a 2,500 square foot restaurant, and 6 parking spaces for an 1,800 square foot commercial building (43 parking spaces total).

ACCESS AND MANEUVERING: The Zoning Ordinance requires all parking to be on-site with 9' wide by 18' deep parking stalls, and with 24' wide aisles.

ZONING

R-1, Single-Family Residential

AREA OF PROPERTY

19,602 Square Feet

TRAFFIC ENGINEERING
COMMENTS

No comments.

ENGINEERING
COMMENTS

1. A Non-Utility ROW Use Agreement will be needed for any structures (awning, pillars, planters, etc) placed within the Semmes Ave or Dauphin St ROW. Existing Agreement(s) may need to be reviewed with any proposed development/repairs. 2. If the existing, southern driveway on Semmes Avenue is not going to be used it should be removed and replaced with approved curb and gutter. A ROW Permit would be required for the work.

CITY COUNCIL
DISTRICT

District 2

ANALYSIS

The applicant is requesting Use, Parking Ratio, and Access and Maneuvering Variances to amend a previously approved variance to allow a 2,500 square foot restaurant within a 6,000 square foot, three-tenant building, shared access and parking with a 1,800 square foot commercial building, with 22 parking spaces, substandard parking stalls and aisle widths in an R-1, Single-Family Residential District; the Zoning Ordinance requires 37 compliant parking spaces for a 6,000 square-foot commercial building with a proposed 2,500 square foot restaurant, 6 compliant parking spaces for an 1800 square-foot commercial building and 24' maneuvering aisles with a minimum of a B-2, Neighborhood Business District.

The site has been the subject of two previously approved variances. In January, 2000, the Board approved a Use and Parking Variance to allow a coffee house with 50% of the required number of parking spaces, and in May, 2002, the Board approved another Use and Parking Ratio Variance to allow a garden shop with fewer required parking spaces. The applicant now proposes to use the street corner unit in which the coffee shop and the garden shop were located, and an additional storage unit to the rear, for a 2,500 square foot restaurant. The other two units in the building occupy a total of 3,500 square feet, but are vacant. Based on these square footages, and assuming the two vacant units would only be used for businesses requiring one parking space per 300 square feet of gross floor area, the site would require 37 parking spaces. The applicant also proposes to share access and parking with the adjacent site to the East which houses an existing 1,800 square foot credit union building requiring six parking spaces, and bringing the total required for both sites to 43 parking spaces.

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.

With regard to the Use Variance request to operate a restaurant, in light of the fact that the 2000 approval allowed a coffee shop, the restaurant would be within the same vein of operation, albeit a larger venue. The building is clearly commercial in nature, thus re-use for residential purposes is unlikely. Allowance of the restaurant would be a viable neighborhood-oriented re-use of an otherwise vacant commercial site.

The applicant states that the proposed restaurant would only operate in the evenings during the week and for lunch and dinner on weekends. This would allow the credit union and future tenant spaces full use of the parking facilities during normal daytime Monday through Friday hours and the restaurant full use of such during evening and weekend hours. Based upon this scenario, the combined sites would require 18 parking spaces for normal Monday through Friday retail/office operation, and 25 spaces for night-time restaurant operation. Therefore, as 22 parking spaces are provided on the combined sites, sufficient parking would be available for the day-time operations. There would exist a deficit of three parking spaces for the restaurant operation. However, in light of the fact that the 2000 approval of the variance for the coffee shop allowed for 50% of the total number of required parking spaces, and with the allowance of the proposed shared access and parking request providing 88% of the total number required for the restaurant, and an excess amount for the other uses, the amended parking ratio and shared access and parking requests would be reasonable.

With regard to the request to allow substandard 16' parking space depths and 21' access aisle widths, the parking area on the restaurant/retail site has existed in that manner for many years and there is no room to bring that parking into compliance with the current 18' stall depth and 24' drive aisle width standards without totally eliminating one of the two parking stall rows and losing at least seven of the fifteen parking stalls on that site. The existing stall widths calculate to be compliant at 9' wide. On the credit union site, the existing stalls appear to be slightly substandard in width and depth, but with compliant access/maneuvering area behind the stalls. The drive aisle between the two buildings is limited to approximately 12 or 13 feet which would allow only one-way traffic. This, combined with the 21' aisle on the restaurant/retail site, would dictate that the traffic flow within the combined sites should be restricted to one-way, with the routing to be coordinated with Traffic Engineering. Appropriate signage directing the one-way flow should also be required.

A dumpster is indicated on the site plan; however, no enclosure or gates are indicated. Therefore, the site plan should be revised to indicate compliance with Section 64-4.D.9. of the Zoning Ordinance. A note on the site plan indicates that the parking lot will be lighted. As the site is located adjacent to and within very close proximity to residential properties, such lighting should be in strict compliance with Chapter 64-6.A.3.c. of the Zoning Ordinance so as not to allow the light source to shine directly into adjacent residential properties or traffic.

It should be noted that the existing landscape planter boxes within the Dauphin Street right-of-way were a condition of the 2000 variance and meant to deny parallel parking along that street. Those planters should remain in place as a condition of this variance, if approved.

As both sites are fully developed, the requirement for any landscaping and tree planting would be a mute point.

Given the fact that the proposed re-use is essentially the same as previously approved, and the fact that at least further parking space is to be provided with the shared access and parking between the two sites, consideration could be given for the approval of this application, subject to certain conditions.

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

- 1) the restaurant operation is limited to evening hours only Monday through Friday, and lunch and dinner on weekends;
- 2) the traffic flow through the combined sites be restricted to one-way only with the routing to be coordinated with Traffic Engineering and the appropriate signage installed;
- 3) revision of the site plan to indicate compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 4) parking lot lighting to be in compliance with Chapter 64-6.A.3.c. of the Zoning Ordinance so as not to allow the light source to shine directly into adjacent residential properties or traffic;
- 5) the planter boxes within the Dauphin Street right-of-way to remain in place;
- 6) subject to the Engineering comments: *(1. A Non-Utility ROW Use Agreement will be needed for any structures (awning, pillars, planters, etc) placed within the Semmes Ave or Dauphin St ROW. Existing Agreement(s) may need to be reviewed with any proposed development/repairs. 2. If the existing, southern driveway on Semmes Avenue is not going to be used it should be removed and replaced with approved curb and gutter. A ROW Permit would be required for the work.);*
- 7) submission of a revised site plan indicated compliance with the above conditions; and
- 8) full compliance with all other municipal codes and ordinances, other than landscaping and tree planting.

LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, except for an office to the east.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

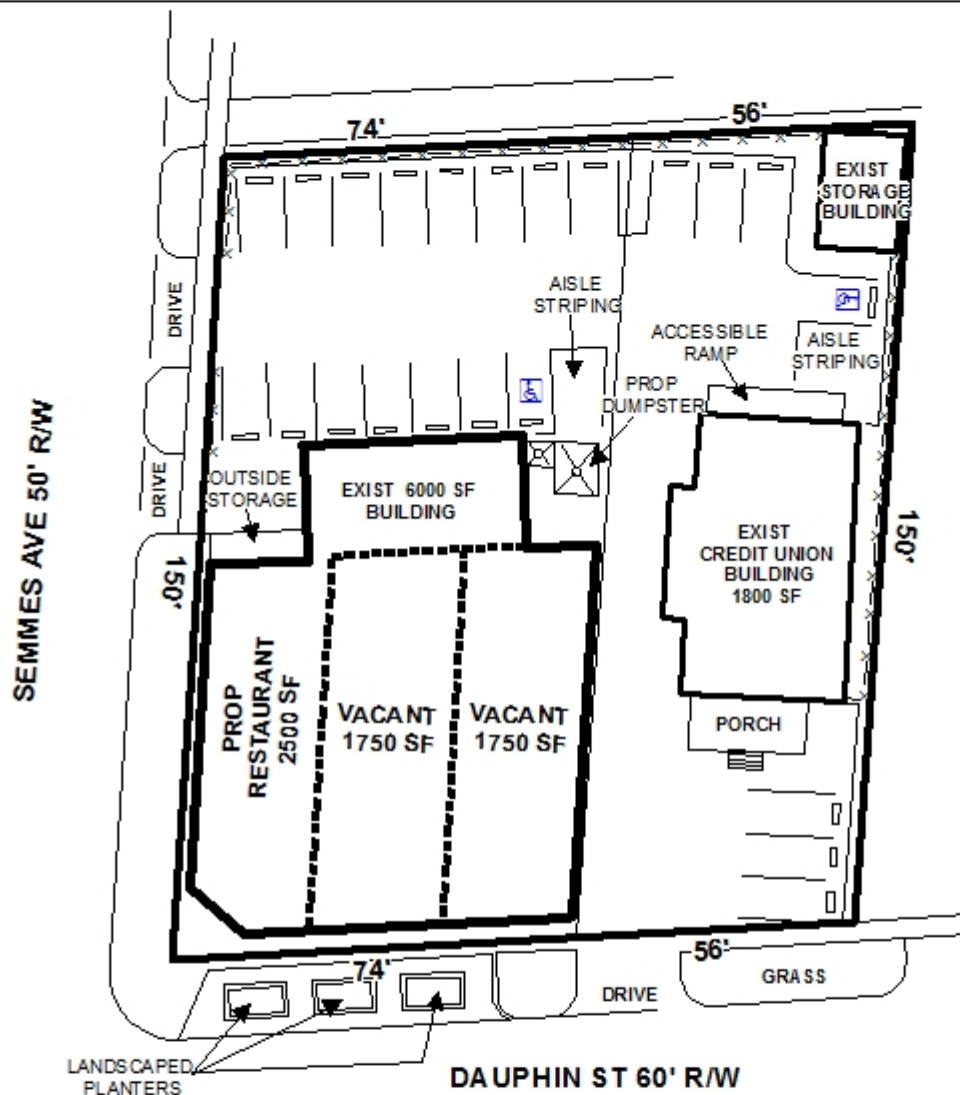


The site is surrounded by residential units, except for an office to its right.

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SITE PLAN



The site illustrates the parking lots, existing buildings, and proposed restaurant and dumpster.

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