

HOLDOVER

APPLICATION NUMBER

5535

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW 22 ON-SITE
PARKING SPACES FOR A 3,037 SQUARE-FOOT LOUNGE
IN A B-3, COMMUNITY BUSINESS DISTRICT; THE
ZONING ORDINANCE REQUIRES 31 ON-SITE PARKING
SPACES FOR A 3,037 SQUARE-FOOT LOUNGE IN A B-3,
COMMUNITY BUSINESS DISTRICT**

LOCATED AT

601 HOLCOMBE AVENUE

(Southeast corner of Holcombe Avenue and Senator Street)

APPLICANT

WILLIE L. WILLIAMS, JR

OWNER

ESFAHANI MING GHOPS

BOARD OF ZONING ADJUSTMENT

AUGUST 2009

HOLDOVER

ANALYSIS APPLICATION 5535

Date: August 3, 2009

The applicant is requesting a parking ratio variance to allow 22 on-site parking spaces for a 3,037 square-foot lounge in a B-3, Community Business District; the Zoning Ordinance requires 31 on-site parking spaces for a 3,037 square-foot lounge in a B-3, Community Business District.

The applicant intends to open a sports bar / grill at the subject site. Business hours will be Monday – Friday (6:00 pm – 1:30 am) and weekends (12:00 pm – 130 am). The applicant states that the structure is 3,037 square feet and requires a minimum 31 parking spaces; 22 are currently on-site. In order to meet the total requirement, the applicant has submitted letters from neighboring business owners authorizing shared use of their facilities. The applicant also states that Holcombe Ave allows curb side parking, which customers may utilize.

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.

It should be noted that the existing structure on-site is split into two suites. Suite A has been occupied by a business for several years, while Suite B has been vacant. The site appears to have been developed prior to the adoption of the Zoning Ordinance and does not comply with current regulations; parking, in particular, currently enjoys legal non-conforming status. Now, the applicant is proposing to open a restaurant at the site, which requires three times as many parking spaces as the previous use; this will greatly increase the non-conformity of the site.

It should also be noted that the site plan submitted by the applicant is not to scale, nor does it contain information regarding square footages of either suite. Therefore, staff is unable to determine the exact number of parking spaces that are required, much less how many that are lacking. Furthermore, neighboring businesses cannot simply write a letter allowing the applicant to use their parking; site plans should be submitted for those sites as well, in order to verify not only that they have the excess parking to share, but also that they too are in full compliance with Section 64-6 of the Zoning Ordinance (surfacing, access / maneuvering, etc.).

HOLDOVER

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship.

Revised for the June 1st meeting:

This application was held over at the May 4th meeting at the applicant's request.

As no new information has been provided by the applicant, the original recommendation stands.

Revised for the July 6th meeting:

This application was held over at the June 1st meeting to allow the applicant to submit a revised scaled site plan showing the adjacent properties being used for parking to be included in the variance application, a scaled site plan of the site, and a scaled interior layout of the proposed tenant space.

The applicant did submit scaled plans of the site and of the interior layout of the space; however, nothing was submitted regarding the adjacent properties that the applicant was intending to use for additional parking. Instead, the applicant has decided to proceed without utilizing the shared parking.

With that said, it is important to address several issues with the submitted site plan. All of the angled parking stalls illustrated on the North and South of the site are substandard with regard to depth and maneuvering area. Furthermore, the spaces along the street, along with the spaces on the North, will require vehicles to back into the right-of-way, which is not allowed. Section 64-6.2 of the Zoning Ordinance states that "vehicles are prohibited from backing from the area into the right-of-way." Had a to-scale site plan been furnished at the time that this application was originally submitted, these issues would have been addressed sooner, but the fact of the matter is that the applicant simply wishes to operate a restaurant with only 13 parking spaces (31 are required), substandard in both depth and maneuvering area. Furthermore, the floor plan illustrates stairs; however, no plan has been submitted indicating a second story. Parking requirements are based upon the Gross Floor Area of the building; thus, an additional floor would require additional parking spaces. The applicant has stated that the stairs lead to a storage shelf in the kitchen, not a second level.

It should be further noted that, while the site plan illustrates a total of 22 parking spaces, 9 are for Suite A of the building (separate from the restaurant), which contains an existing business (for many years now) and currently enjoys a "grandfathered" (legal non-conforming) status for its nose-in parking. The rest of the site does not enjoy any legal non-conformity, since it has been vacant for more than two years.

Revised for the August 3rd meeting:

HOLDOVER

This application was held over from the Board's scheduled July meeting due to a lack of quorum.

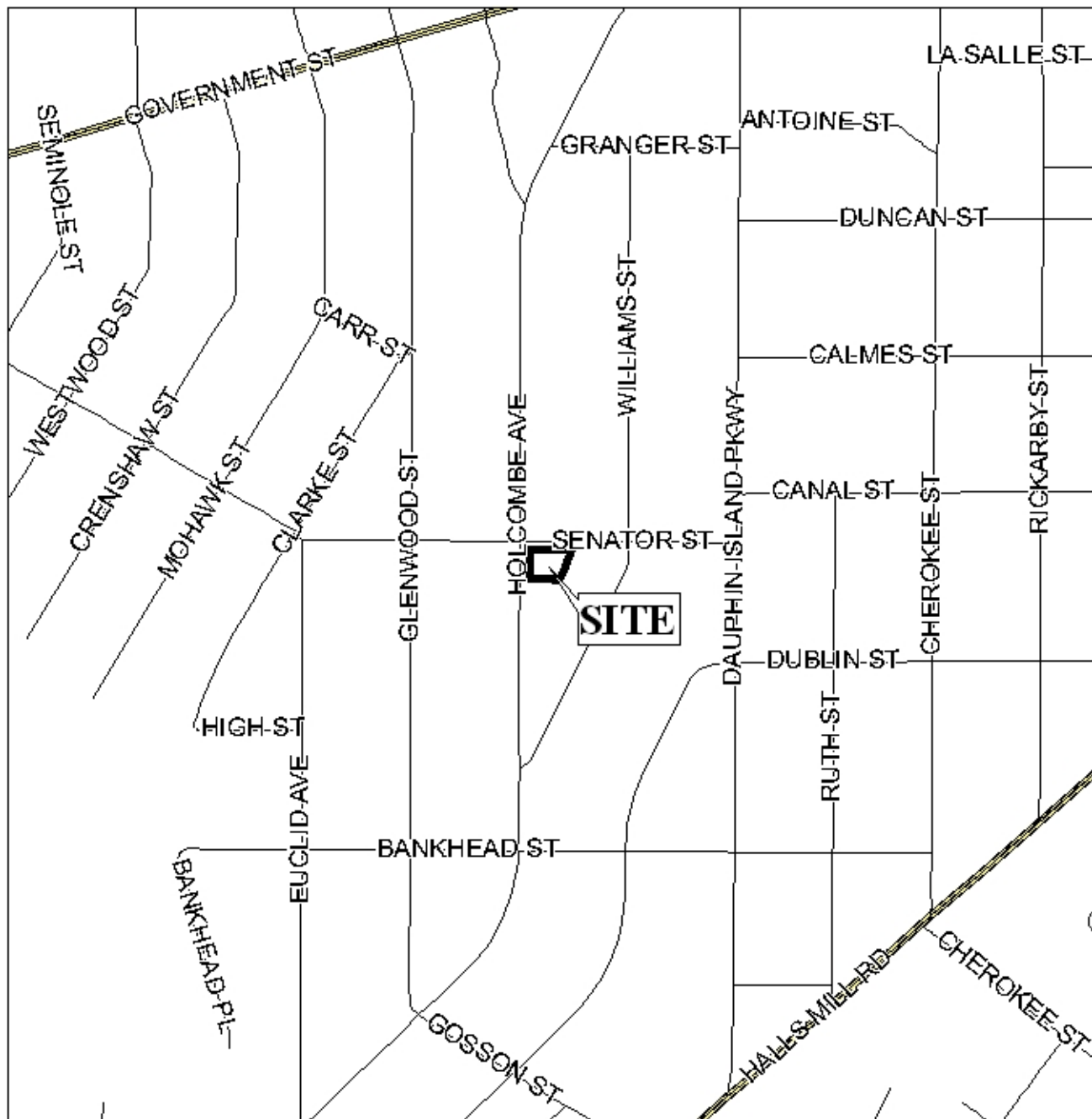
HOLDOVER

RECOMMENDATION 5535

Date: August 3, 2009

Due to insufficient information provided by the applicant, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5535 DATE June 1, 2009
 APPLICANT Willie L. Williams, Jr.
 REQUEST Parking Ratio Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial land use.

APPLICATION NUMBER 5535 DATE June 1, 2009

APPLICANT Willie L. Williams, Jr.

REQUEST Parking Ratio Variance

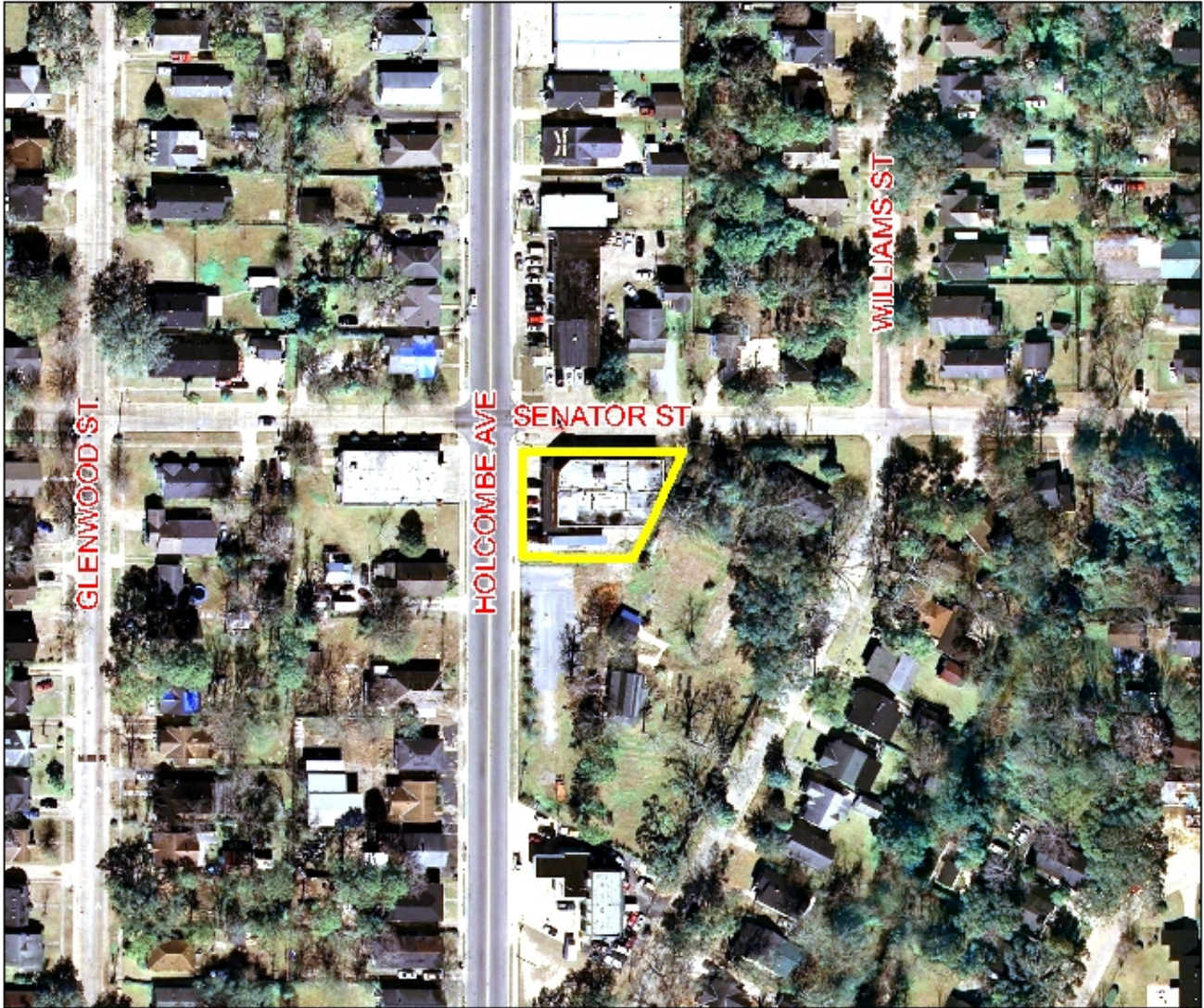
LEGEND

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

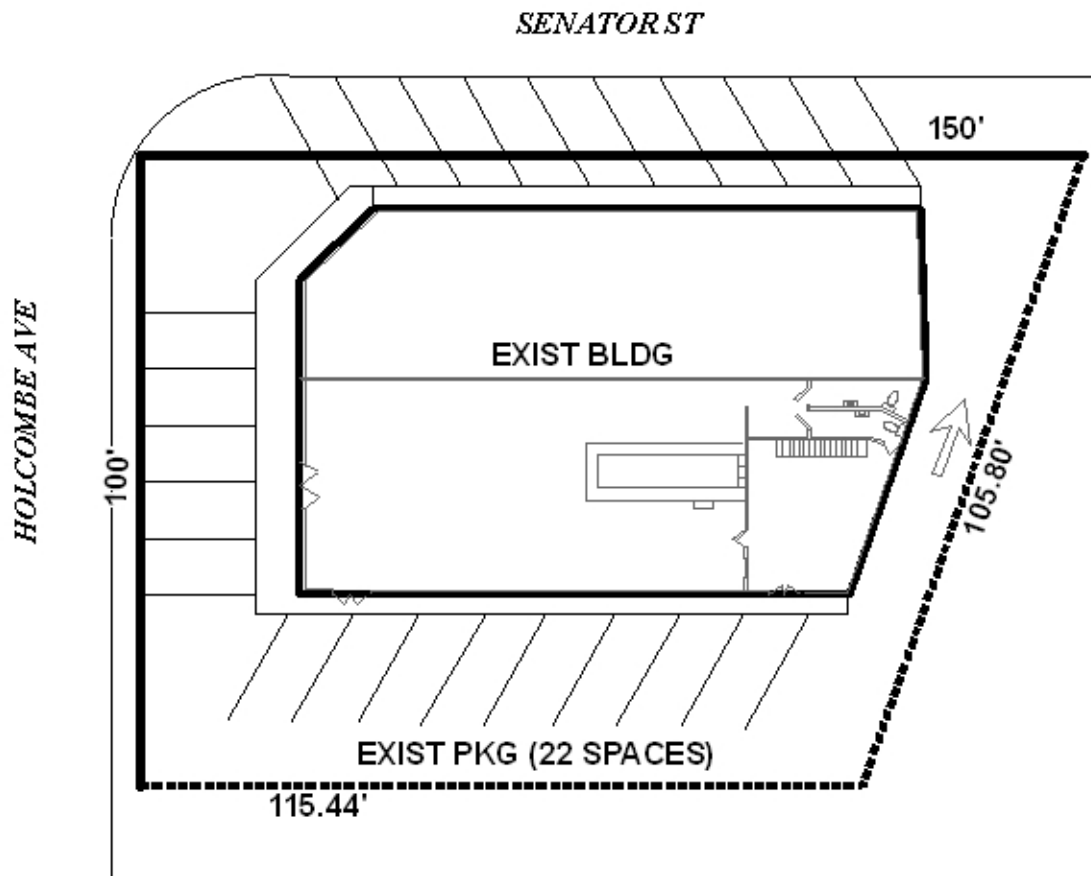


The site is surrounded by residential and commercial land use.

APPLICATION NUMBER 5535 DATE June 1, 2009
APPLICANT Willie L. Williams, Jr.
REQUEST Parking Ratio Variance



SITE PLAN



The site plan illustrates the existing building and parking spaces

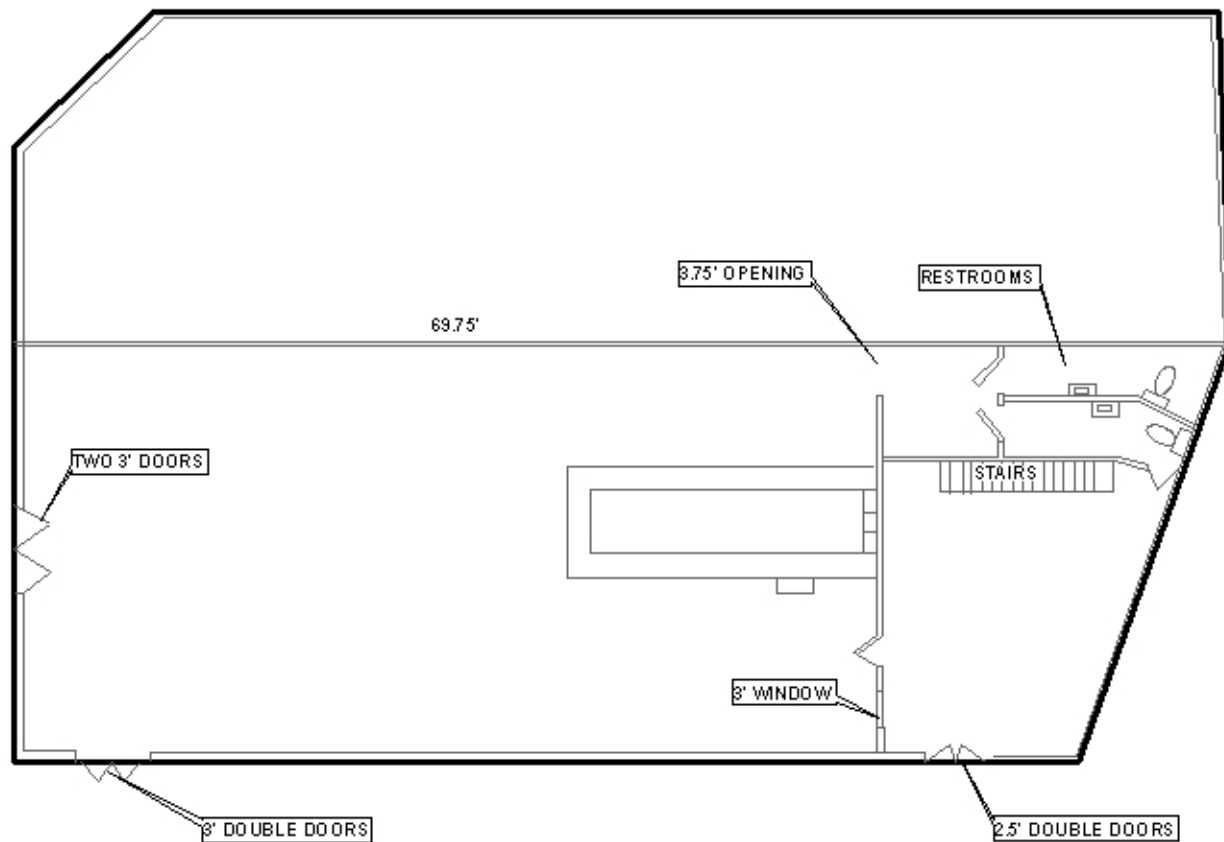
APPLICATION NUMBER 5535 DATE June 1, 2009

APPLICANT Willie L. Williams, Jr.

REQUEST Parking Ratio Variance



INTERIOR BUILDING DETAIL



APPLICATION NUMBER 5535 DATE June 1, 2009

APPLICANT Willie L. Williams, Jr.

REQUEST Parking Ratio Variance

