

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 6, 2011****CASE NUMBER**

5674

APPLICANT NAME

Gulf Coast Hub Caps & Wheels

LOCATION3257 Spring Hill Avenue
(Southwest corner of Spring Hill Avenue and Durant
Street).**VARIANCE REQUEST****SIDE STREET SETBACK:** Side Street Setback
Variance to allow a building expansion within 4.5' of a side
street property line in a B-3, Community Business District**SITE COVERAGE:** Site Coverage Variance to allow
54% site coverage in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIDE STREET SETBACK:** The Zoning Ordinance
requires a 20' side street building setback in a B-3,
Community Business District.**SITE COVERAGE:** The Zoning Ordinance allows 50%
maximum site coverage in a B-3, Community Business
District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

0.5± Acre

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting Side Street Setback and Site Coverage Variances to allow a building expansion within 4.5' of a side street property line and 54% site coverage in a B-3, Community Business District; the Zoning Ordinance requires a 20' side street building setback and allows 50% maximum site coverage in a B-3, Community Business District.

The subject site has been used for hubcap and wheel sales since approximately 1992, originally from an existing building containing approximately 1400 square feet. In 1999, a 2,000 square-foot building was approved via the plan review process, permitted and constructed. Since then there have been at least three building expansions done without any reviews or permits: one addition was constructed to the front property line and one across the side street property line into the Durant Street right-of-way, along with a large cargo storage container and fence enclosure. In early 2011, a public complaint was submitted of un-permitted construction work being done at the site and a Stop Work Order was issued. In preparation for obtaining permits, the site plan revealed setback encroachments and over-building, thus this application.

The applicant proposes to remove the front setback encroachment completely plus an older nonconforming building within the front setback and to completely remove the Durant Street right-of-way encroachments. However, the plan submitted illustrated an encroachment into the required 20' side street setback to within 4.5' of the side street property line. Also, there is proposed to be total site coverage of 54% as opposed to the 50% allowed in B-3 districts.

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 applicant states that over time the business increased to the point that expansion was needed and a contractor was hired who, unfortunately, never obtained permits. In order to try to correct the situation and add parking, the above-mentioned changes are proposed. In this instance, the site would increase from the originally-permitted 2,000 square-foot building to one of 10,400 square feet, in itself more than a 50% increase in the legal conforming structure. That increase would require full site compliance for landscaping and trees, none of which is proposed. While the growth of the business is good, the business has quite simply outgrown the site which is not a hardship with the property. The property can still be used by a business that is compliant. Any hardships associated with the over-development of the site would be self-imposed as the responsibility of compliant site planning and permitting ultimately rests with the property owner.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would present an undue hardship with respect to setbacks or site coverage. In this instance the hardships are self-imposed and the Board should consider this application for denial.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

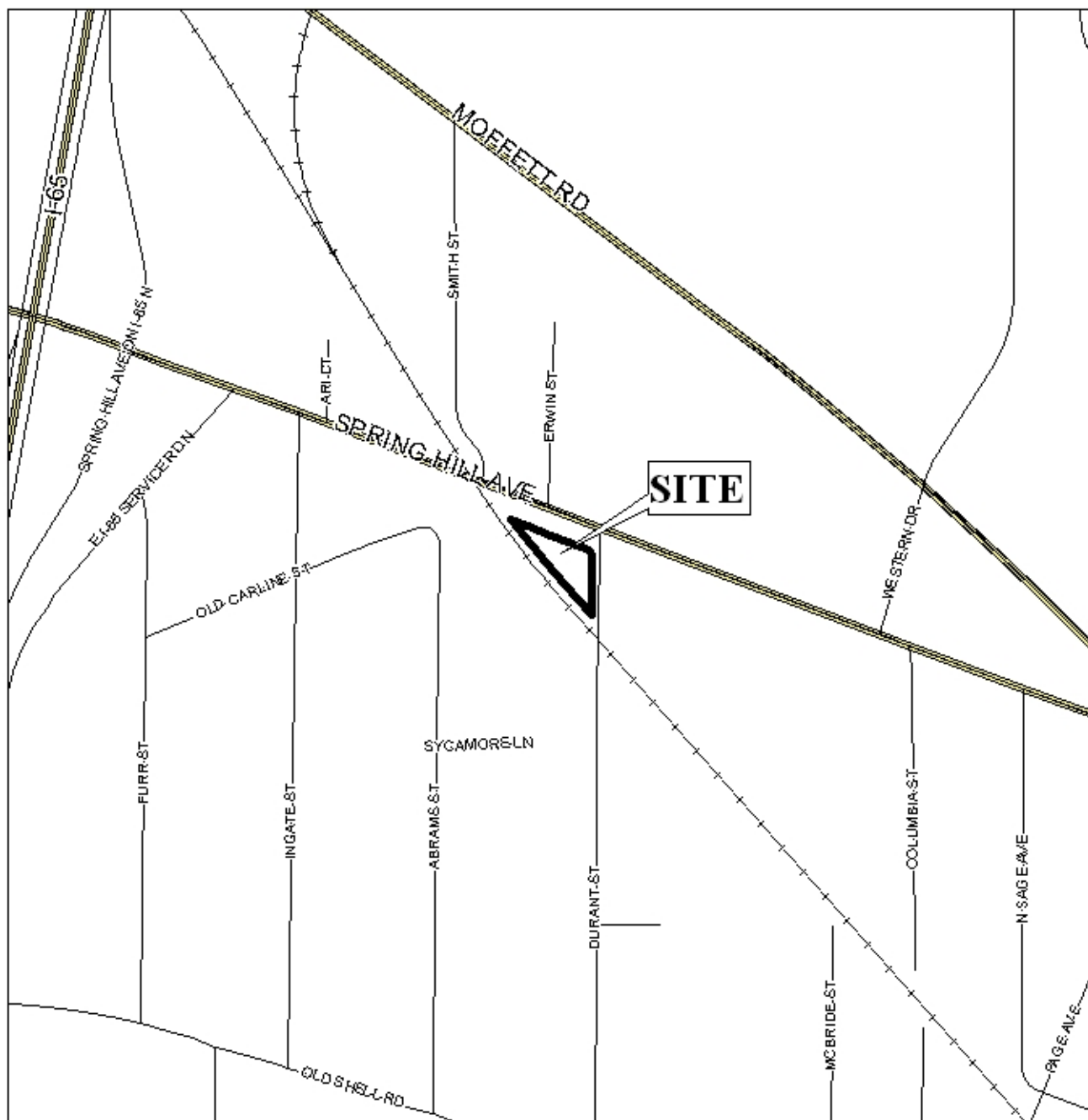
Revised for the June meeting:

This application was heldover from the May meeting at the applicant's request to allow the applicant to submit a revised site plan by May 6th. As the revised site plan was not submitted until May 23rd, there was inadequate time to allow distribution of the revisions to all reviewing entities in order for all to do a thorough review. Therefore, the original recommendation would stand.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



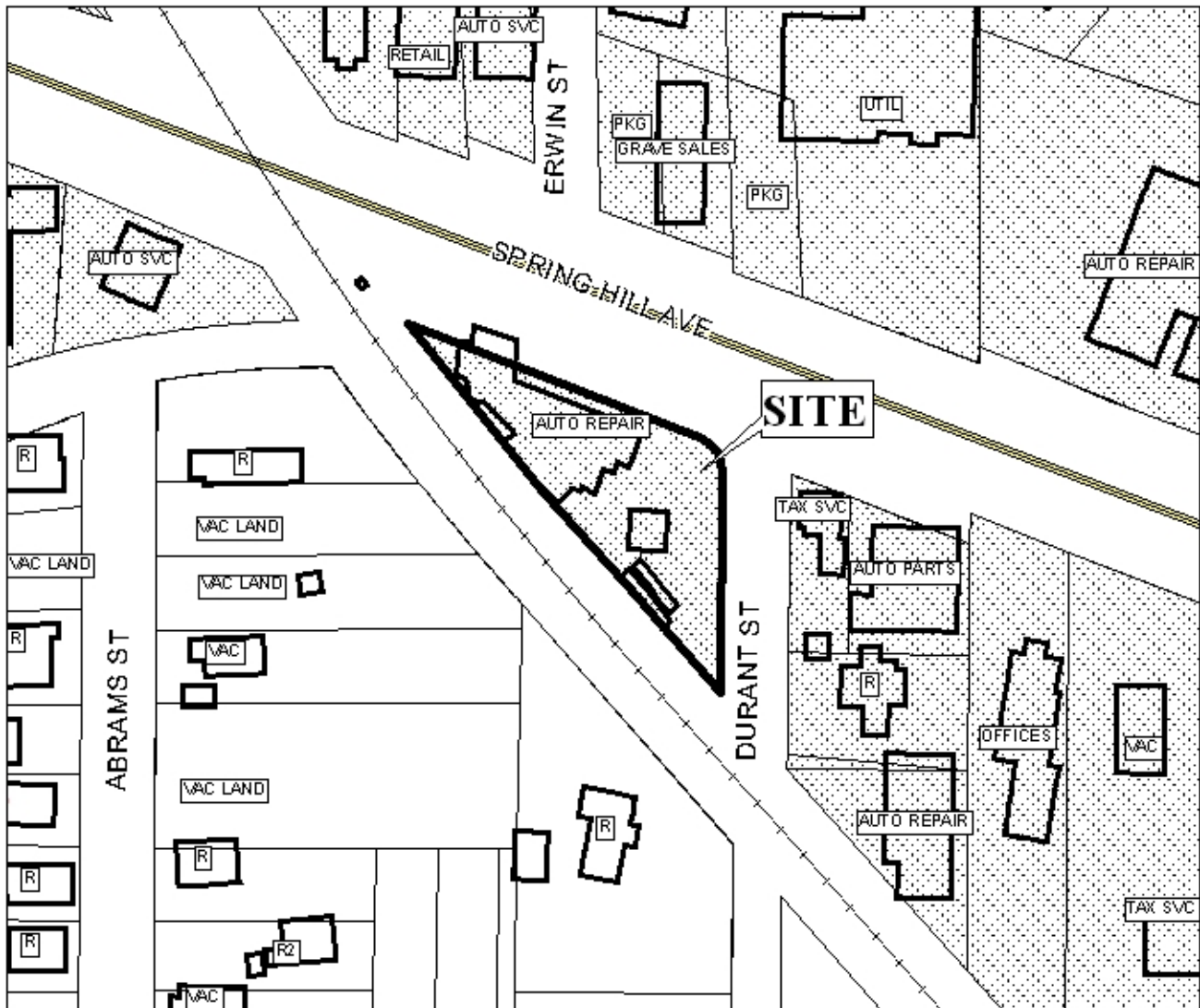
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REQUEST Side Street Setback and Site Coverage Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



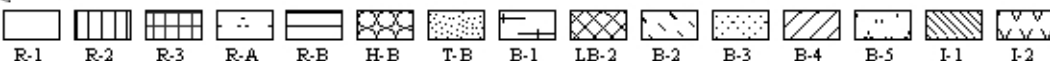
Commercial land use is located to the north and east of the site. Residential land use is located to the south of the site.

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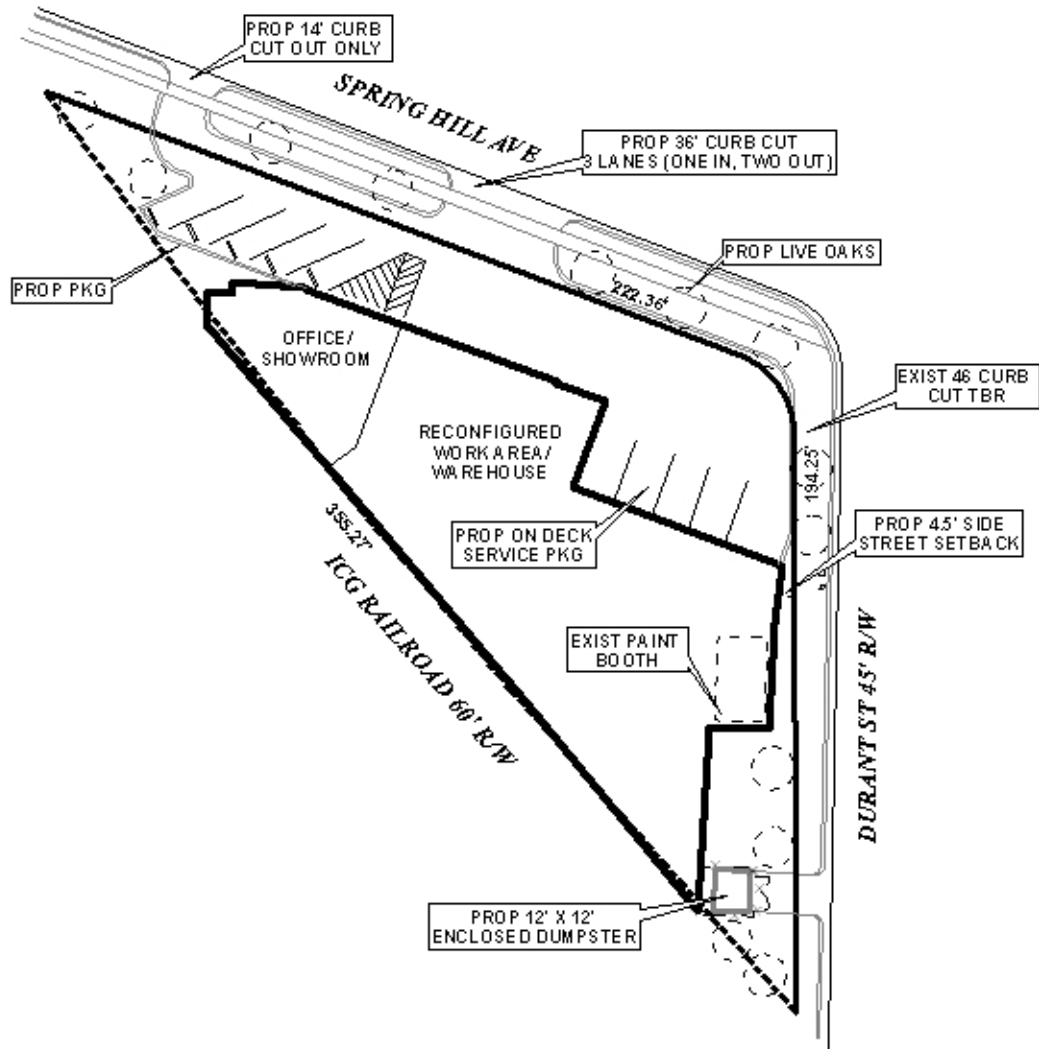
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LEGEND



NTS

SITE PLAN



The site plan illustrates the proposed development.

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