

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 9, 2012****CASE NUMBER**

5725

APPLICANT NAME

Zion Baptist Church

LOCATION2514 Halls Mill Road
(Northwest corner of Halls Mill Road and Pollard Lane)**VARIANCE REQUEST****SURFACING:** Surfacing Variance to allow a grass parking area for a church in an R-1, Single-Family Residential District.**ACCESS AND MANEUVERING:** Access and Maneuvering Variances to allow a 10'-wide asphalt drive.**PARKING RATIO:** Parking Ratio Variance to allow no designated parking spaces for a church.**ZONING ORDINANCE
REQUIREMENT****SURFACING:** The Zoning Ordinance requires parking areas to be paved with asphalt, concrete, or an approved alternative paving surface for a church in an R-1, Single-Family Residential District.**ACCESS AND MANEUVERING:** The Zoning Ordinance requires two-way drive aisles to be a minimum of 24' wide.**PARKING RATIO:** The Zoning Ordinance requires designated parking spaces equal to one space per four seats for a church.**ZONING**

R-1, Single-Family Residential, and B-3, Community Business (R-1 rezoning proposed)

AREA OF PROPERTY

4.1± Acres

**TRAFFIC ENGINEERING
COMMENTS**

Revised for the January 9, 2012 meeting: Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common

practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church where there appears to be a clearance of only 10'. The building shows signs of being hit because of the unacceptable clearance. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures).

ENGINEERING

COMMENTS

Parking areas should be paved or stabilized to prevent erosion of the existing soil. Allowing vehicles to park on the grass tends to keep the most heavily used parking areas without cover, increasing the movement of sediment downstream. Existing site drains to the north, towards an existing offsite drainage ditch.

CITY COUNCIL

DISTRICT

District 4

ANALYSIS

The applicant is requesting Surfacing, Access and Maneuvering, and Parking Ratio Variances to allow a church with a grass parking area, no designated parking spaces, and a 10-foot wide asphalt drive in an R-1, Single-Family Residential District; the Zoning Ordinance requires designated parking spaces equal to one space per four seats surfaced with asphalt or concrete, with two-way drive aisles a minimum width of 24 feet for a church in an R-1, Single-Family Residential District.

The site is also the subject of Subdivision, Planned Unit Development, Planning Approval, and Rezoning applications which were heard at the November 17th Planning Commission meeting. These applications were all heldover to the Commission's December 15th meeting due to a lack of sufficient information presented to conduct thorough reviews and analyses. Since the same narrative and site plan was submitted for this application as for the Planning Commission applications, the same deficiencies exist preventing a thorough and accurate review of the variance requests.

The applicant simply states that the property has been in continued use for over 160 years and would like to continue to function the way it has since its establishment. It is further stated that the parking is currently on the side street (Pollard Lane?) and on the grass located next to the church that is accessed by the asphalt drive, and it is asked that the variance be allowed for the church to continue its operation under the current layout. But this statement is invalidated by two issues. First, the subdivision of the property into two lots, one proposed for sale, would discontinue the current layout. Second, the narrative states that the church sanctuary is approximately 11,000 square feet and holds 300 people at full capacity, which would be the large building on proposed Lot 2 of the Subdivision, which is the lot proposed for sale according to the narrative. As it is further stated that the church will continue to use the building (current use not disclosed) and cemetery on proposed Lot 1, with such building being only about 2,650 square

feet, it is certainly not large enough to seat 300 people. Therefore, the narrative needs to be clarified as to what is proposed and to which proposed lot this variance request applies. And as no hardship has been presented as justification for the granting of the variances requested, the narrative should be revised to include such.

The site plan needs to be revised to indicate where the parking area currently is that is the subject of the Surfacing and Parking Ratio Variance requests. The revised site plan should also take into consideration concerns of the Planning Commission reports such as required street frontage dedication and adjusted 25' minimum building setback line, lighting, buffering and the provision of dumpster facilities. Also, landscaping and tree plantings should be shown along with the appropriate calculations. If other non-compliance beside the surfacing, access and maneuvering, and parking ratio are indicated on the revised site plan, this application should be revised to include such as variance requests with revised request fees and mail-out notification fees.

Finally, it should be pointed out that the Americans with Disabilities Act may require the provision of wheelchair accessible parking, which may consequently require some paving. The design professional should verify ADA parking requirements and revise the site plan accordingly.

RECOMMENDATION: Based on the preceding, this application is recommended for holdover to the January 9, 2012, meeting, with revision due by December 19th, to allow the applicant to address the following items:

- 1) revision and clarification of the narrative to identify which site the variance requests pertain to and illustration of some hardship imposed by the property which would justify the granting of the requests;
- 2) revision of the site plan to illustrate which area the Surfacing and Parking Ratio Variance requests pertain;
- 3) revision of the site plan to take into consideration concerns of the Planning Commission reports such as required street frontage dedication and adjusted 25' minimum building setback line, lighting, buffering and the provision of dumpster facilities;
- 4) revision of the site plan to illustrate landscaping and tree planting areas along with the appropriate calculations;
- 5) revision of this application to also include any other non-compliant aspects of the revised site plan as additional variance requests with associated request fees and mail-out notification fees; and
- 6) revision of the site plan to comply with any parking requirements of the Americans with Disabilities Act.

Revised for the January 9, 2012, meeting:

This application was heldover at the December, 2011, meeting to allow the owner to present his case to the Board. It was previously recommended that the case be heldover to allow the applicant to address the following items:

- 1) *revision and clarification of the narrative to identify which site the variance requests pertain to and illustration of some hardship imposed by the property which would justify the granting of the requests;*
- 2) *revision of the site plan to illustrate which area the Surfacing and Parking Ratio Variance requests pertain;*
- 3) *revision of the site plan to take into consideration concerns of the Planning Commission reports such as required street frontage dedication and adjusted 25' minimum building setback line, lighting, buffering and the provision of dumpster facilities;*
- 4) *revision of the site plan to illustrate landscaping and tree planting areas along with the appropriate calculations;*
- 5) *revision of this application to also include any other non-compliant aspects of the revised site plan as additional variance requests with associated request fees and mail-out notification fees; and*
- 6) *revision of the site plan to comply with any parking requirements of the Americans with Disabilities Act.*

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.

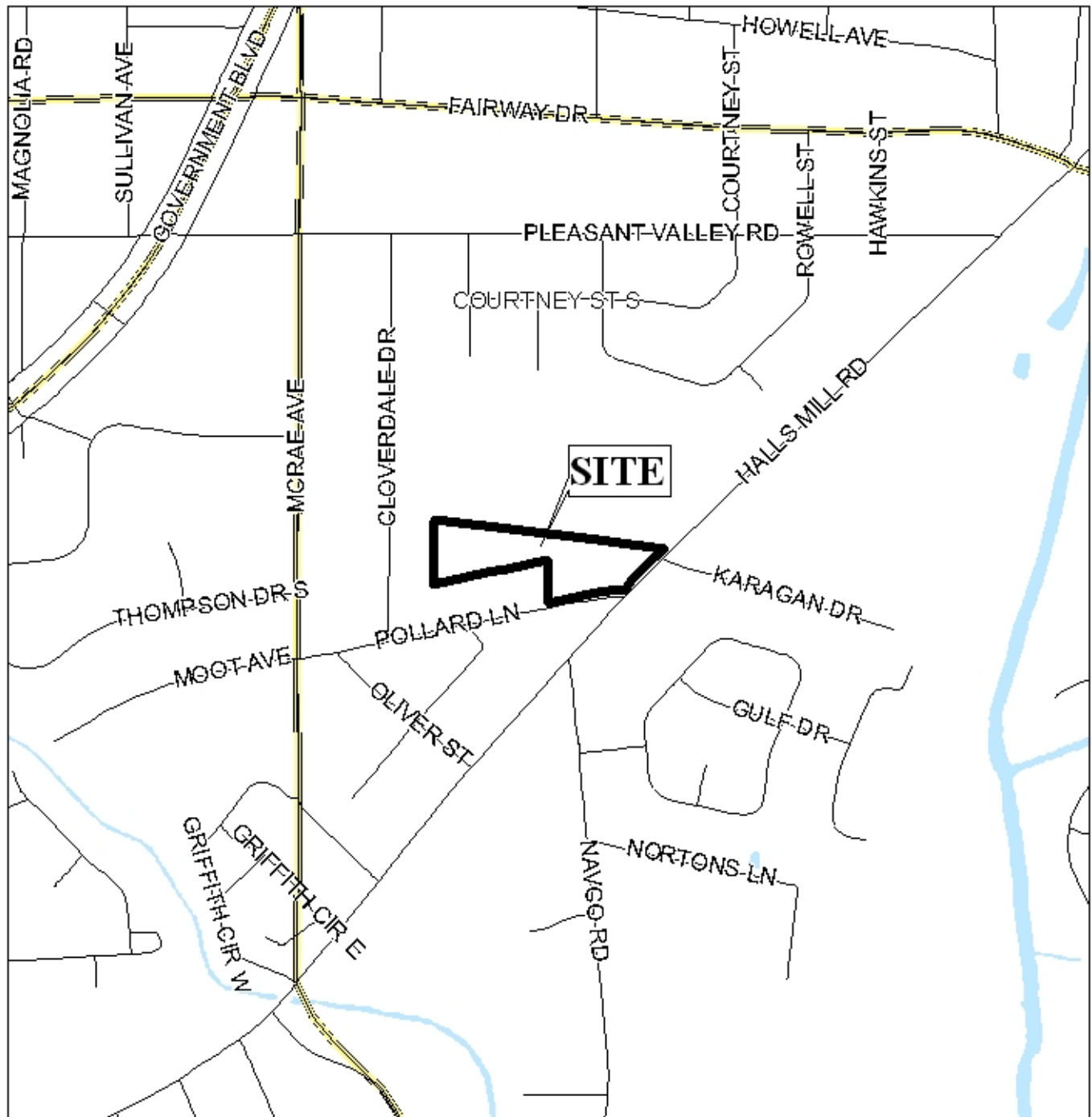
A revised site plan and narrative have been submitted; however, some of the items of concern of the original site plan and narrative have not been addressed. Specifically, there is no illustration that a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship, only a request that it be allowed to continue. The site has ample room to provide compliant paved parking spaces meeting the parking ratio requirements and ample room to provide compliant access/maneuvering area. The Traffic Engineering comments generally reflect staff's analysis of the site with regards to the continuation of the noncompliant aspects of the site's parking and access situation, especially in reference to the substandard drive widths and the access/maneuvering areas within the public right-of-way.

The Board should consider all three of the variance requests for denial as there has been absolutely no hardship illustrated as a basis for approval and the site has ample area to provide full compliance with all aspects of the surfacing, access/maneuvering, and parking ratio requirements of the Ordinance.

RECOMMENDATION:
for denial.

Based upon the preceding, this application is recommended

LOCATOR MAP



APPLICATION NUMBER 5725 DATE December 5, 2011

APPLICANT Zion Baptist Church

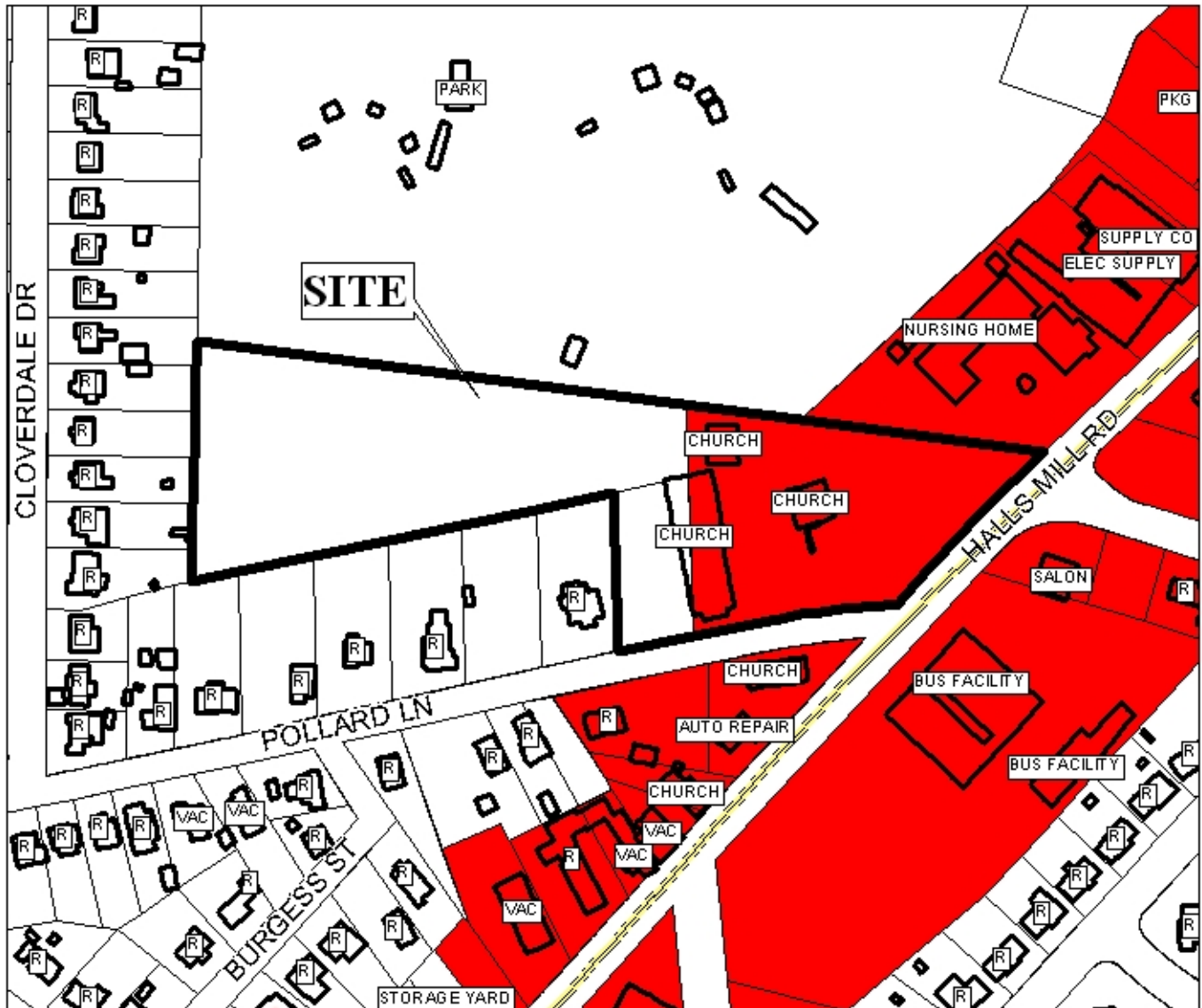
Surfacing, Access And Maneuvering, and Parking

REQUEST Ratio Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There are single family residential units to the west of the site, a nursing home to the northeast, and auto repair business as well a church facility to the south.

APPLICATION NUMBER 5725 DATE December 5, 2011

APPLICANT Zion Baptist Church

Surfacing, Access And Maneuvering, and Parking

REQUEST Ratio Variance

LEGEND															
	R-1	R-2	R-3	R-4	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



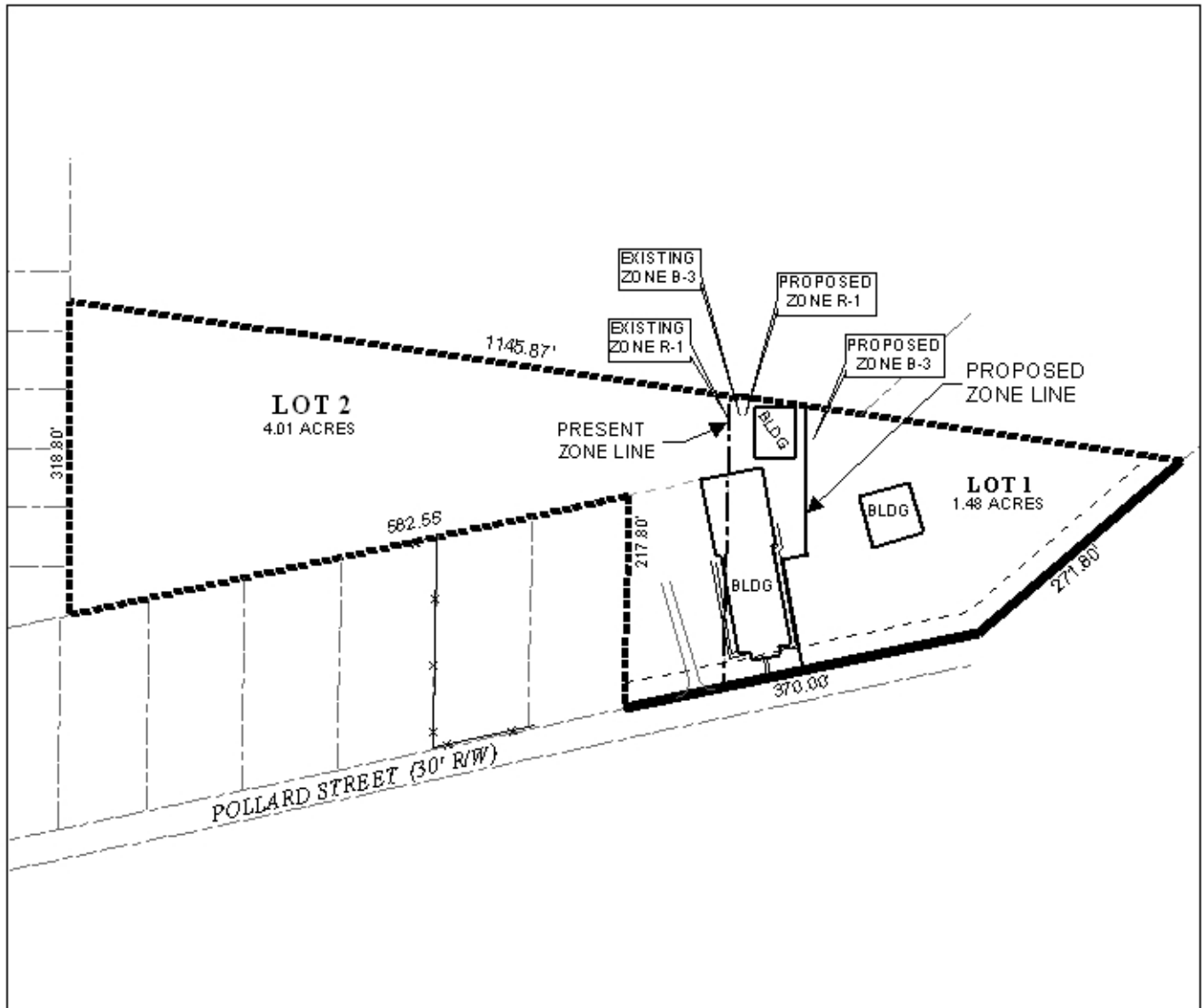
There are single family residential units to the west of the site, a nursing home to the northeast, and auto repair business as well a church facility to the south.

APPLICATION NUMBER 5725 DATE December 5, 2011
APPLICANT Zion Baptist Church
REQUEST Surfacing, Access And Maneuvering, and Parking
Ratio Variance



NTS

SITE PLAN



The site plan illustrates existing and proposed zoning, building location and, proposed lot configuration.

APPLICATION NUMBER 5725 DATE December 5, 2011
 APPLICANT Zion Baptist Baptist Church
 REQUEST Surfacing, Access And Maneuvering, and Parking
Ratio Variance

