

APPLICATION NUMBER

**5456/5088/4882**

A REQUEST FOR

**PARKING SURFACE VARIANCE TO ALLOW AN  
AGGREGATE PARKING SURFACE IN A B-2,  
NEIGHBORHOOD BUSINESS DISTRICT; THE  
ORDINANCE REQUIRES CONCRETE, ASPHALT, OR AN  
APPROVED ALTERNATIVE PARKING SURFACE IN A B-  
2, NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

**27 ALEXANDER STREET**

(West side of Alexander Street, 200'± South of Cameron Street)

APPLICANT

**GLOBAL TEL LINK**

AGENT

**FRANK A. DAGLEY**

OWNER

**EBM MIDTOWN INVESTMENTS**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2008

The applicant is requesting a Parking Surface Variance to allow an aggregate parking surface in a B-2, Neighborhood Business District; the Ordinance requires concrete, asphalt, or an approved alternative parking surface in a B-2, Neighborhood Business District.

The applicant proposes to use a limestone parking surface for a temporary employee parking lot expansion of an existing adjacent paved parking lot. The reason given is that the applicant will have a two-year lease extension in April, 2008, and the parking area is essential for the business operation to continue. It is stated that, at the end of the lease extension in April, 2010, the limestone surface will be removed and the area will be re-seeded and brought back to its original undeveloped condition.

A Planned Unit Development application to allow the parking lot expansion should be considered at the January 3 Planning Commission meeting. The subject site, and the over-all parent site, has been the subject of a myriad of Planning Commission and Board of Adjustment applications, sometimes contentious, for many years. In January, 2002, the Board approved a request for Use and Parking Variances to allow the expansion of a parking lot onto R-1, Single-Family Residential properties which included the subject site. The parking lot was built on the adjacent sites, but did not extend onto the subject site, as was proposed. The subject site was rezoned to B-2 in April, 2002, and the house which existed on the site was demolished via a permit in the summer of 2006.

In this instance, the request is for a temporary variance. In other similar situations, the Board has granted temporary parking surface variances for churches while in the process of developing expansion plans, although with a shorter time period granted. The applicant has specified a time period for this particular request and proposes to return the site to a natural state at the end of the variance period.

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.

The Board should consider this request for approval, subject to conditions.

**RECOMMENDATION 5456/5088/4882****Date: January 7, 2008**

Based on the preceding, this application is recommended for approval subject to the following conditions: 1) the Variance is limited to the time period of April, 2008 to April, 2010; 2) furnishing of a letter from the property owner to the Urban Development Department assuming all responsibility for the return of the site to a natural state in the event the applicant fails to do so at the end of the approved time period; 3) denial of direct access to Alexander Street from the site; and 4) approval of the Planned Unit Development application by the Planning Commission and compliance with all conditions placed upon such approval.