

APPLICATION NUMBER

**5611/5475**

A REQUEST FOR

**OFF-SITE PARKING AND PARKING RATIO VARIANCES  
TO ALLOW 27 OF THE PROPOSED 63 PARKING SPACES  
FOR A 255-SEAT CHURCH TO BE OFF-SITE; THE  
ZONING ORDINANCE REQUIRES 64 ON-SITE PARKING  
SPACES FOR A 255-SEAT CHURCH.**

LOCATED AT

**2451 ST. STEPHENS ROAD**

(South side of St. Stephens Road, extending from Strange Avenue to Como Street, and  
Southwest corner of St. Stephens Road and Como Street)

APPLICANT/OWNER

**AMITY MISSIONARY BAPTIST CHURCH**

**BOARD OF ZONING ADJUSTMENT**

MAY 2010

The applicant is requesting off-site parking and parking ratio variances to allow 27 of the proposed 63 parking spaces for a 255-seat church to be off-site; the Zoning Ordinance requires 64 on-site parking spaces for a 255-seat church.

The applicant received Planning Commission approvals for Subdivision, Rezoning and Planned Unit Development in July, 2008, and subsequent City Council approval of the Rezoning in September, 2008. The Planned Unit Development received an extension in August, 2009. As the Planned Unit Development addressed the off-site parking issue, a variance was required to address the substandard parking ratio issue. That variance was approved in July, 2008, but expired. The applicant now desires to proceed with the church project, hence this new variance.

The applicant proposes to build a church that will have a total of 255 seats (228 in the sanctuary, and 27 in the choir loft). The Zoning Ordinance parking ratio is 1 space per 4 seats, thus 64 parking spaces will be required. The applicant proposes to utilize two lots for the church: one lot will contain the church and 36 parking spaces, while the other lot will contain 27 parking spaces.

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.

As noted in the previously approved variance, the parking issue could be resolved through the elimination of 4 seats in the sanctuary or choir loft. However, the two properties are oddly shaped, thus the provision of the last required parking space meeting Zoning Ordinance and Traffic Engineering requirements is somewhat impracticable. The lot shapes may be sufficient hardship to warrant the granting of a one parking space variance.

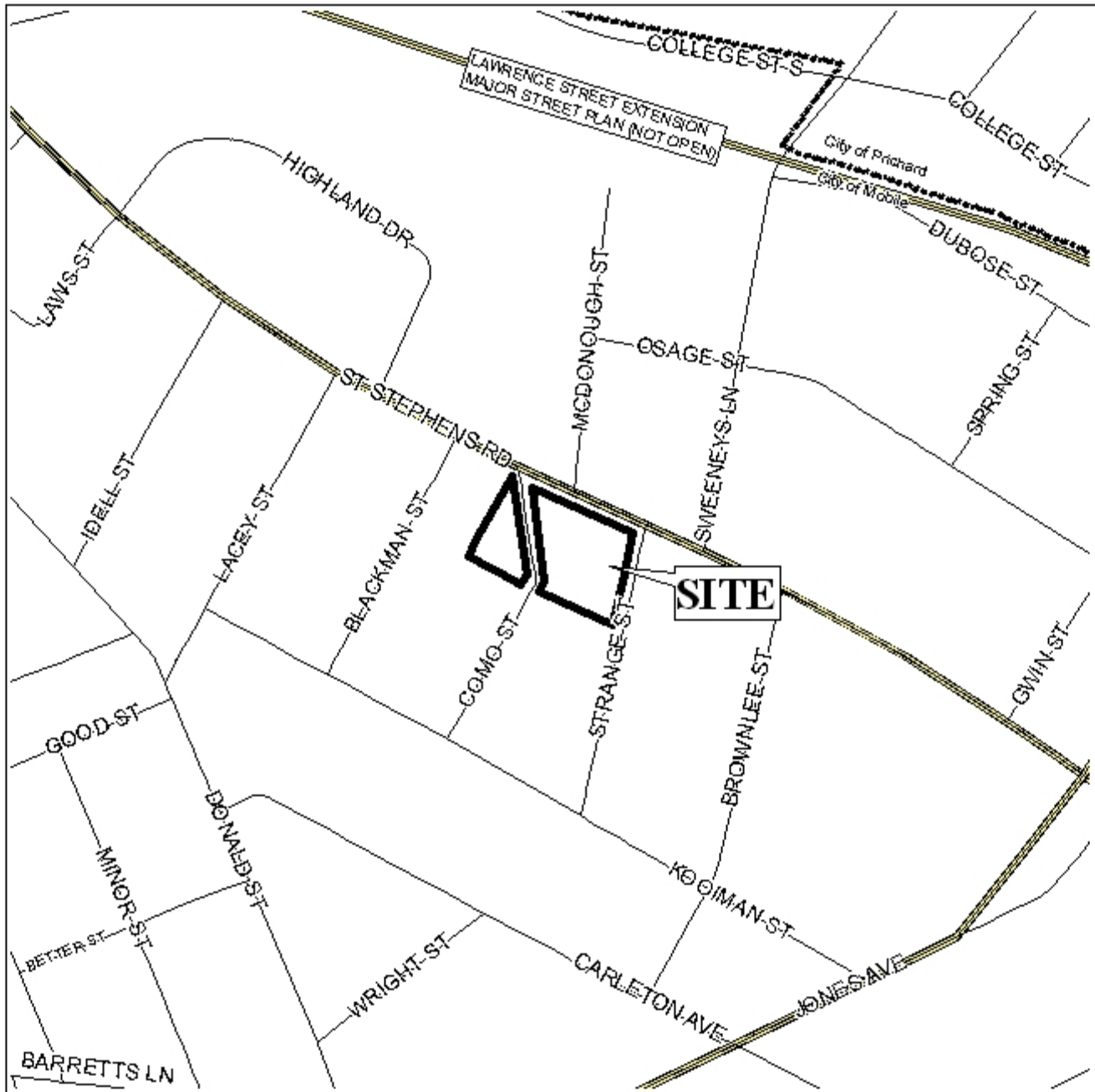
**RECOMMENDATION 5611/5475****Date: May 3, 2010**

Based on the preceding, the parking ratio variance request is recommended for approval, subject to the following conditions:

- 1) limited to the submitted site plan;
- 2) provision of a 6' high wooden privacy fence in compliance with Section 64-4.D.1. of the Zoning ordinance, except within the required 25' minimum building setback (where the fence shall be 3' high);
- 3) compliance with parking area screening requirements of Section 64-6.A.3.i. of the Zoning Ordinance;
- 4) compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 5) compliance with the tree and landscaping requirements of the Zoning Ordinance, with separate calculations for each site; and
- 6) full compliance with all municipal codes and ordinances.

The off-site parking request is not needed since the off-site parking was approved via the Planned Unit Development Approval.

# LOCATOR MAP



APPLICATION NUMBER 5611/5475 DATE May 3, 2010

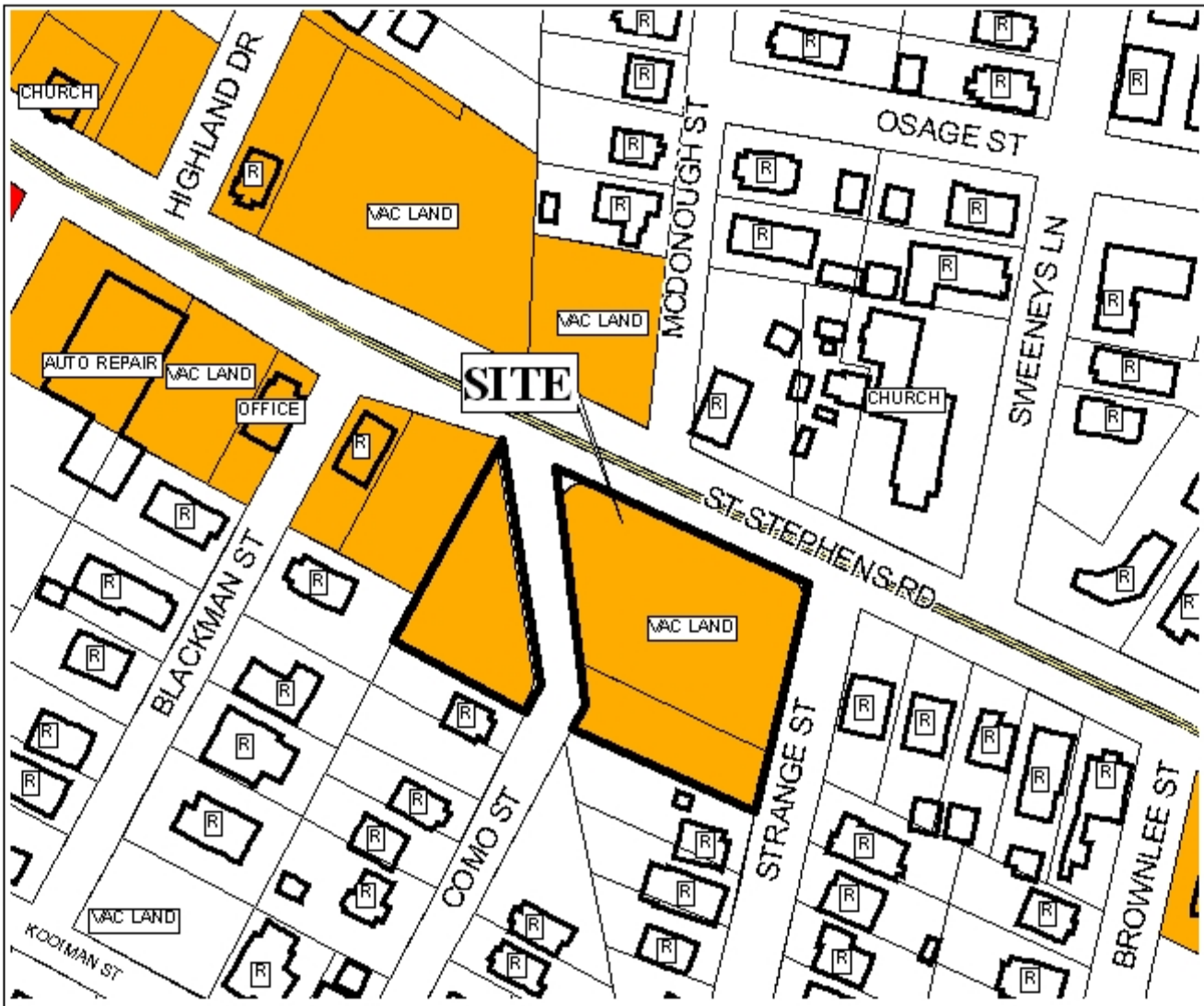
APPLICANT Amity Missionary Baptist Church

REQUEST Off-Site Parking, Parking Ratio Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use

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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
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## BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



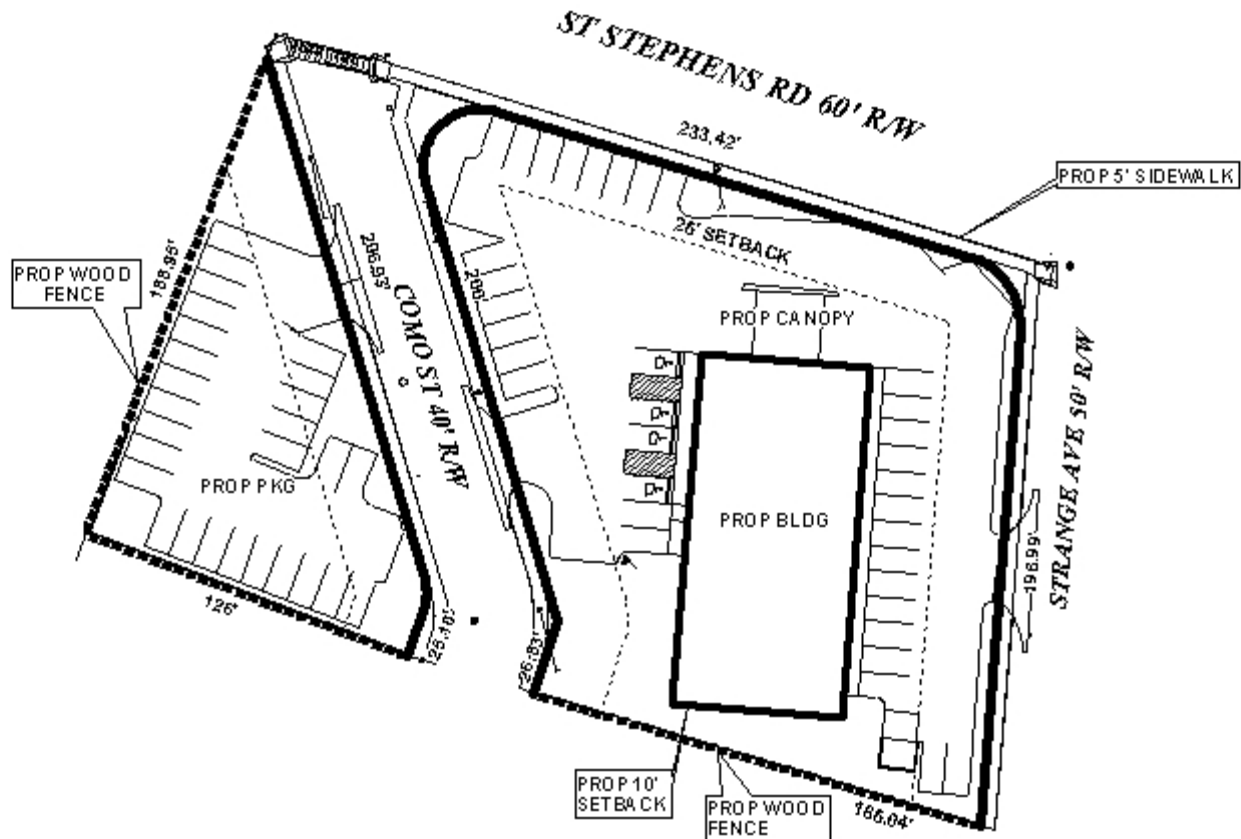
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# SITE PLAN



The site plan illustrates the proposed building, parking, and sidewalks

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