

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: August 1, 2016****CASE NUMBER**

6050

**APPLICANT NAME**

Spanish Villa Condominium Owners Association

**LOCATION**4009 Old Shell Road  
(Southwest corner of Old Shell Road and College Lane)**VARIANCE REQUEST**

**SETBACK:** Front Yard and Side Street Side Yard Setback Variances to allow masonry sign columns 7.3' high and masonry iron fence columns 7' high setback 2 inches from the front and side street property lines at a residential condominium complex in a R-3, Multi-Family Residential District.

**ZONING ORDINANCE  
REQUIREMENT**

**SETBACK:** The Zoning Ordinance requires any structure 3' or higher to meet a 25' front yard setback and a 20' side street yard setback in an R-3, Multi-Family Residential District.

**ZONING**

R-3, Multi-Family Residential District

**AREA OF PROPERTY**

4.57 ± Acres

**TRAFFIC ENGINEERING  
COMMENTS**

The location of the fence near the western driveway appears to create a line of sight issue for vehicles exiting the property. Although the rod iron fence is not a solid fence, it can have the appearance as such when viewed at an angle. There is also a 36" oak tree that further limits the line of sight. This issue could be eliminated by setting the fence further on to private property. Also, as illustrated, all the parking stalls on the west aisle will need to be restriped to illustrate angled parking northbound.

**ENGINEERING  
COMMENTS**

- a. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or public rights-of-way.

- b. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
- c. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.

### **FIRE DEPARTMENT COMMENTS**

In accordance with the IFC 2012 Sections 503.2.1, 503.4, 503.6, D103.5. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet. The Fire Code official can allow the installation of security gates as long as they do not violate the Fire Code requirements above. Nothing shall impede the 20 foot width requirement.

### **CITY COUNCIL DISTRICT**

District 7

### **ANALYSIS**

The applicant is requesting a Front Yard and Side Street Side Yard Setback Variances to allow masonry sign columns 7.3' high and masonry iron fence columns 7' high setback 2 inches from the front and side street property lines at a residential condominium complex in a R-3, Multi-Family Residential District; the Zoning Ordinance requires any structure 3' or higher to meet a 25' front yard setback and a 20' side street yard setback in an R-3, Multi-Family Residential District.

The applicant states the following:

*“An ornamental iron (using existing sign) and black metal open picket fencing along the right of way with a 1' -2' masonry base. The fencing will be 6' tall across the front of Old Shell Road and 8' tall along the sides and back of the property. Along the East entrance to Spanish Villa Condominiums there will be an entry and exit gate controlled by an electronic keypad and there will be an exit only on the west side controlled by a wire sensor. There will also be a pedestrian gate on the west side of Old Shell Road.*

*Spanish Villa Condominiums has had a problem with thefts on the property for the last several years and this fence will improve security. In addition, any time St. Paul's Church or School has a large function the attendees' park on our property without regard to reserved Owner parking spaces. Fencing the property will eliminate both problems as well as improve the appearance of the front of the property. We hope to have this project completed in 2016.”*

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 one of the reasons for the variance request is based on the fact that site has had a problem with thefts on the property and the fence will improve security for the complex. While a fence may or may not reduce theft in the complex, staff is more concerned with the location of the fence on the proposed site plan. If approved, the fence will be 2 inches from the front and side property lines. It should be pointed out there are no 6' high fences within the front and side yard setbacks on this segment of Old Shell Road and there are no fences immediately on the right-of-way edge, furthermore making this request outside of the traditional character of the area. Pedestrian traffic should also be taken into account as well; thus staff proposes that the fence be located 10' from the edge of the right-of-way along Old Shell Road to help maintain the aesthetics and overall character of the area. The location of the fence setback along College Lane and Loyola Lane is of lesser concern due to the lack of sidewalk and low traffic volumes.

The site plan depicts the proposed two-way entrance gate as having a 24' wide driveway with a key pad. The Fire Department requires a clear width of 20' for a drive isle to accommodate fire trucks. Also, a Fire Apparatus access road shall have an unobstructed width of not less than 20 feet and nothing is allowed to impede the 20' width requirement. It appears that the current location of the proposed key pad would interfere with the clearance required by the 2012 International Fire Code. The site plan should be revised to reflect fire requirements.

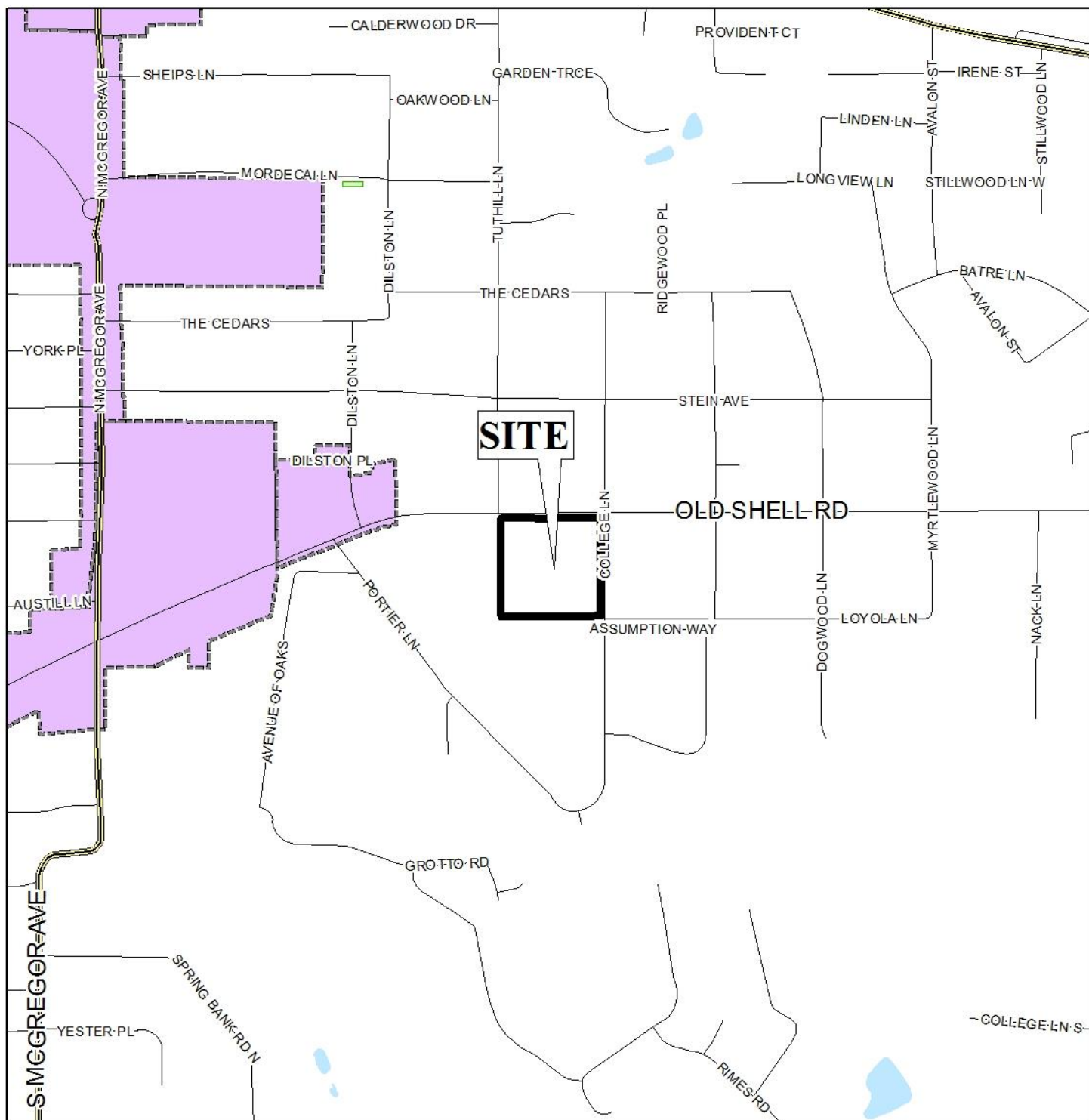
The two-way entrance is depicted as retaining the two split curb-cuts. It is recommended that the curb-cut be rebuilt to a standard 24' wide curb-cut.

The site plan also depicts 20' wide exit only driveway. Based on the proposed layout, one of the existing curb-cuts associated with the exit-only gate must be removed. The site plan should be revised to depict those changes.

**RECOMMENDATION:** Based upon the preceding, the application is recommended for Holdover to address the following:

- 1) revision of the site plan to depict the fence and exit gate with a 10' setback along Old Shell Road frontage;
- 2) revision of the site plan reflect Fire Department requirements per the 2012 International Fire Code; and
- 3) revision the site plan to depict a single 20' wide curb-cut for the exit-only driveway, and a single 24' wide curb-cut for the two-way driveway.

# LOCATOR MAP



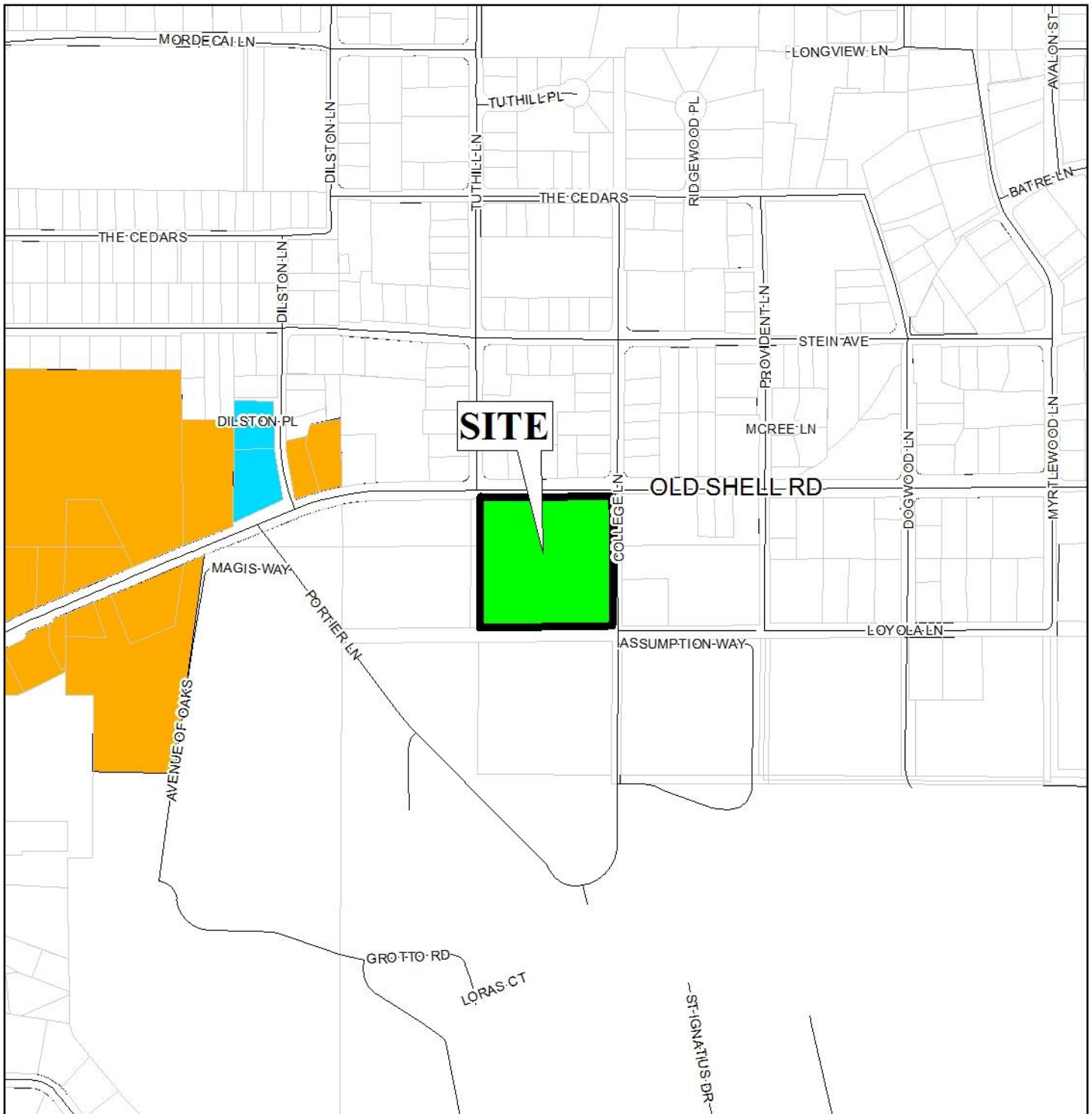
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REQUEST Front Yard and Side Street Yard Setback Variances



# LOCATOR ZONING MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by a church to the west, a school to the south, and residential units to the north and east.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

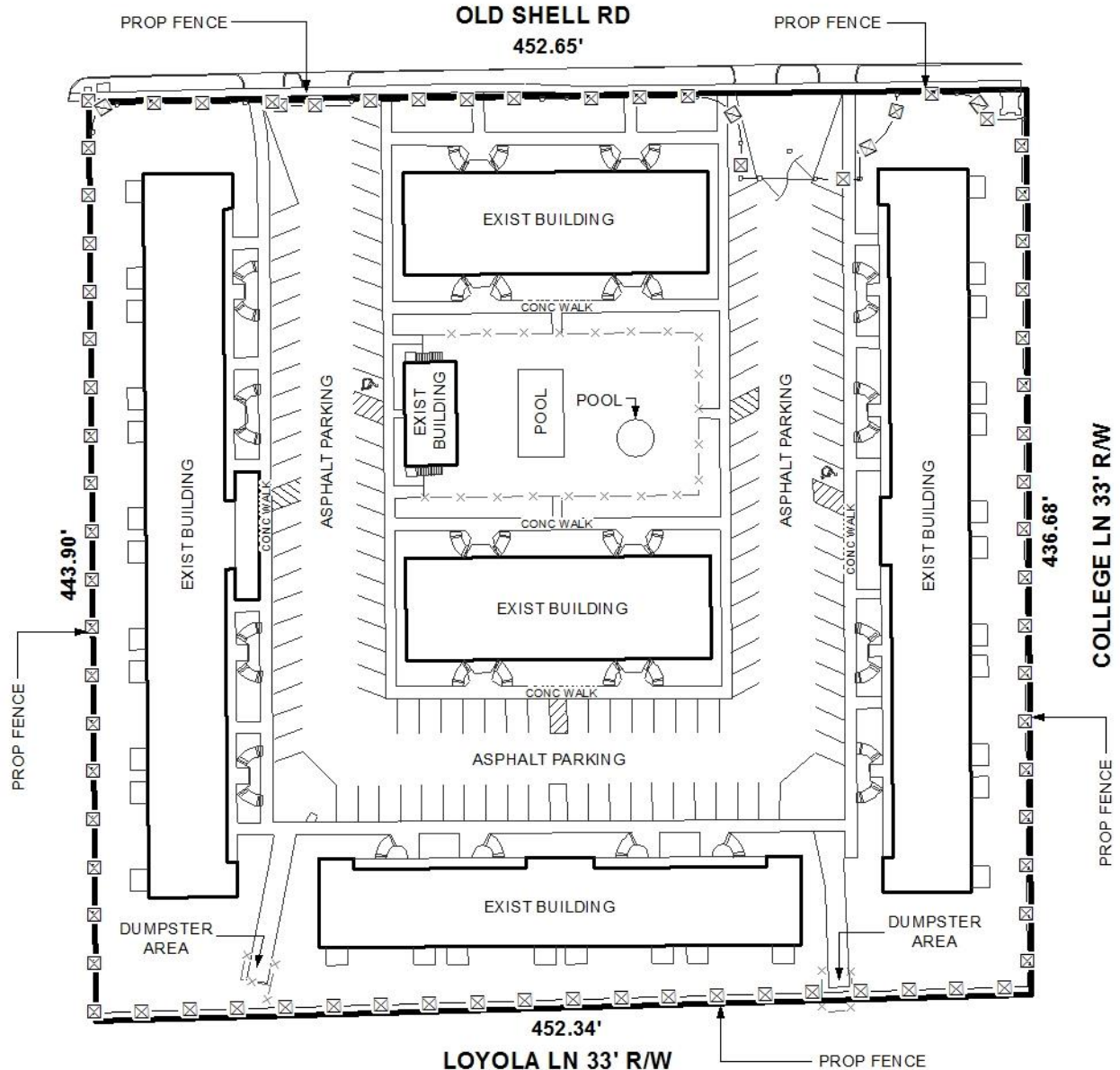


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# SITE PLAN



The site plan illustrates the existing buildings, existing parking facility, and proposed fences.

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## DETAIL SITE PLAN



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