

HOLDOVER

APPLICATION NUMBER

5484/5160

A REQUEST FOR

**USE VARIANCE TO ALLOW THE CONSTRUCTION OF
TWO 200' x 90' FLOAT BARNS IN A B-3, COMMUNITY
BUSINESS DISTRICT; FLOAT BARNS ARE ALLOWED
WITH PLANNING APPROVAL IN A B-4, GENERAL
BUSINESS DISTRICT AND ALLOWED BY RIGHT IN AN
I-1, LIGHT INDUSTRY DISTRICT.**

LOCATED AT

East side of South Washington Avenue, extending from Tennessee Street (unopened public right-of-way) and the Illinois Central Gulf Railroad right-of-way, to Kentucky Street.

APPLICANT/OWNER

KREWE OF MARRY MATES

AGENT

PAUL TIDWELL

BOARD OF ZONING ADJUSTMENT
AUGUST 2008

HOLDOVER

ANALYSIS APPLICATION 5484/5160

Date: August 4, 2008

The applicant is requesting a Use Variance to allow the construction of two 200' x 90' float barns in a B-3, Community Business District; float barns are allowed with Planning Approval in a B-4, General Business District and allowed by right in an I-1, Light Industry District.

The applicant was granted a Use Variance in February 2003 to allow the construction of three 200' x 90' float barns in a B-3, Community Business District, and an R-2, Two-Family Residential District. A one-year extension was granted in August 2003, and a six-month extension was granted in September 2004. In September 2005, another one-year extension was granted. No construction was ever begun, but the entire site covered in the original application is now zoned B-3. Since the original application, the applicant has subdivided the site and sold the East lot (approximately ½ the original site) and now wishes to develop the retained West lot.

As proposed, the site plan is practically the same as in the original submittal, except that it covers only about half the area of the original, and there are to be two float barns instead of the original three, and the parking area has been reduced. Inasmuch as the original application was recommended for denial, but was approved with subsequent extensions, and in light of the fact that the current proposal is scaled-down from the original, it would stand that an approval of the current request would be justified. But there are some factors concerning the property which have changed since the original approval primarily associated with the 2006 approval of the Krewe of Marry Mates Subdivision. The main impact on the site plan submitted with this application concerns the number of curb cuts to Washington Avenue. One of the subdivision conditions is the limitation to a single curb cut to Washington Avenue and Kentucky Street, with the size, design and location to be approved by Traffic Engineering. As proposed, the site would have three curb cuts to Washington Avenue; therefore, the site plan should be revised to indicate only one curb cut to Washington Avenue, with the possibility of placing a curb cut to Kentucky Street.

A note on the Subdivision plat states "Preservation status is to be given to the 44" Live Oak located on the south side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger". Upon a review of the site plan submitted with this application, Urban Forestry has concerns with the location of the southern-most building in relation to the critical root zone of the tree and advises that the building should be relocated to clear the critical root zone. Therefore, the site plan should be revised, with the building relocation to be coordinated with Urban Forestry.

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

HOLDOVER

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.

Since the approval of a variance is site plan specific, the applicant should revise the site plan to comply with the curb cut condition of the approved subdivision, and relocate the southern building to clear the critical root zone of the 44" Live Oak tree, with the relocation to be coordinated with Urban Forestry. This application should be held over to the meeting of August 4th to allow the applicant to make such revisions. A revised site plan should be submitted to the Planning Section no later than July 16.

This application was held over from the July meeting. The applicant has revised the site plan to address the excess curb cuts along Washington Avenue and the building encroachment into the 44" Live Oak tree critical root zone.

The site plan tree planting calculations do not address any plantings along Kentucky Street and should be revised for such. Also, the variable width Alabama Power Company easement along the Northern portion of the site is not indicated as on site plans for previous applications associated with this site. This easement should be shown on site plans submitted for land disturbance and construction, and the tree plantings along Washington Avenue should be revised to allow for the easement. Urban Forestry has indicated that tree plantings in the vicinity of the Washington Avenue and Kentucky Street drives should be located so as to allow for floats to clear the canopies as the trees mature.

As previously mentioned, this application is a scaled-down version of the originally approved variance request and it would stand that approval of this request would be justified, subject to conditions.

HOLDOVER

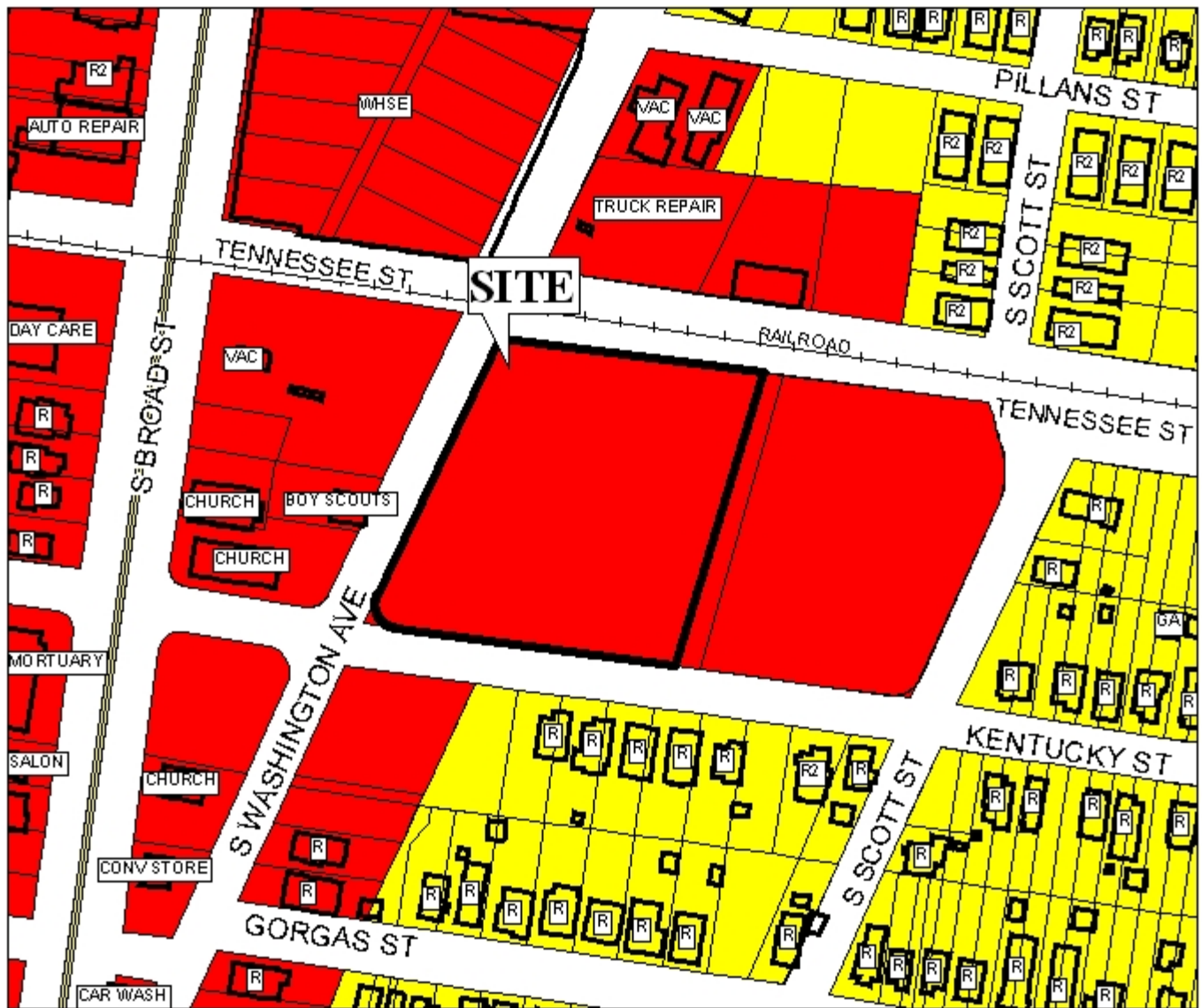
RECOMMENDATION 5484/5160

Date: August 4, 2008

Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) revision of the site plan for land disturbance and construction permitting to indicate full compliance with the landscaping and tree planting requirements of the Zoning Ordinance; 2) inclusion of the Alabama Power Company easement along the Northern portion of the site with adjusted tree plantings within along Washington Avenue; 3) location of tree plantings in the vicinity of the Washington Avenue and Kentucky Street drives to allow for float clearance as trees mature; and 4) preservation status is to be given to the 44" Live Oak located on the south side of the site. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Auto repair services are located to the northwest of the site, multi-family residential units are located to the northeast, single family residential units are located to the south, and a church is located to the west.

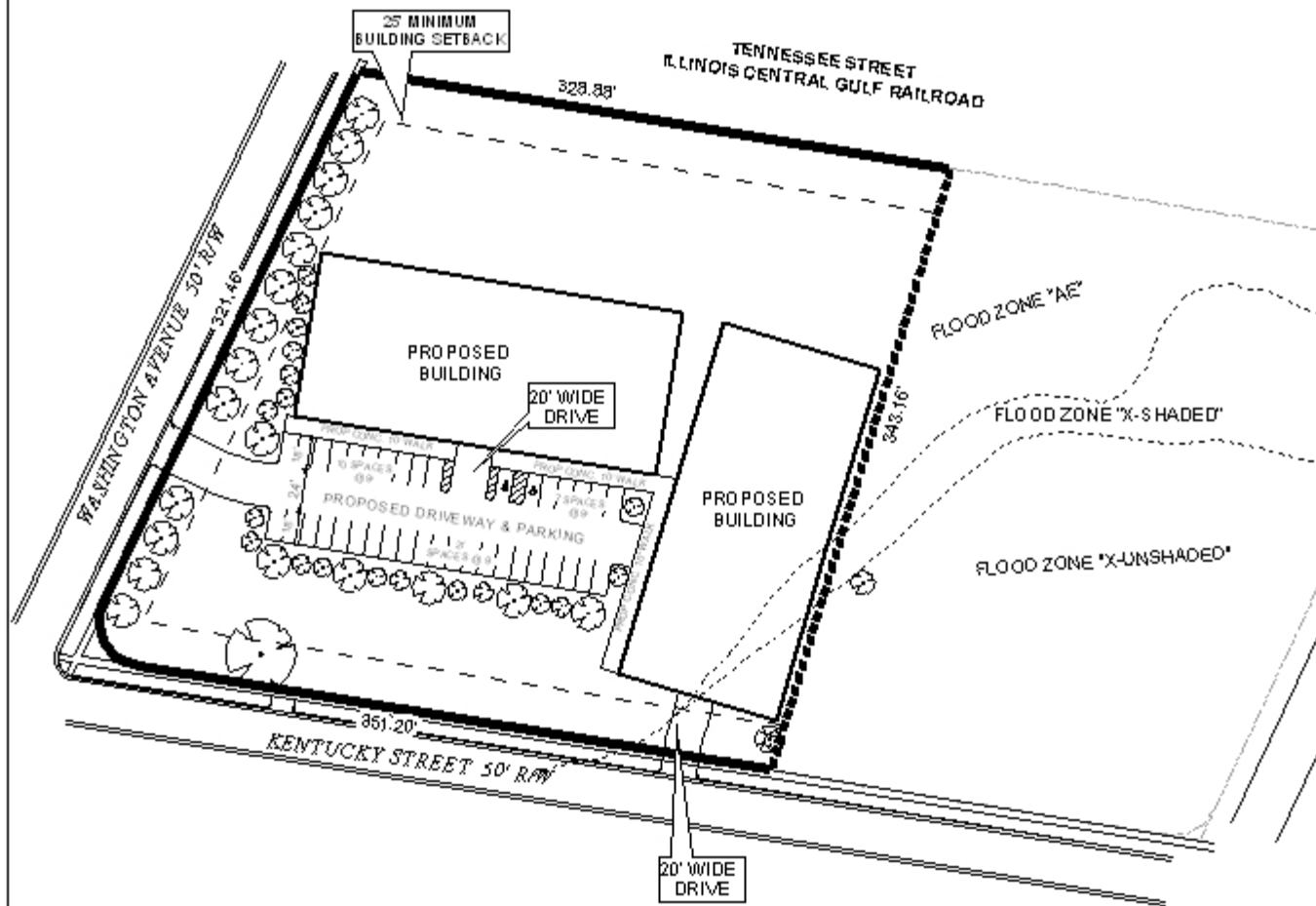
APPLICATION NUMBER 5484/5160 DATE August 4, 2008
 APPLICANT Krewe of Marry Mates (Paul Tidwell, Agent)
 Use, Parking Surface, Parking Ratio, and Tree and Landscaping
 REQUEST Variances

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

N

 NTS

SITE PLAN



The site plan illustrates the proposed buildings, flood zones, parking, and drives.

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