

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 14, 2011****CASE NUMBER**

5531/5662

**APPLICANT NAME**

Napoleon McCovery

**LOCATION**208 North Lafayette Street  
(Southeast corner of North Lafayette Street and St.  
Stephens Road)**VARIANCE REQUEST****USE:** Parking Lots in R-1, Single-Family Residential District**OFF-SITE PARKING:** Off-Site Parking Variance to allow expanded nonconforming off-site parking in a B-2, Neighborhood Business District and an R-1, Single-Family Residential District.**BUFFER FENCING:** Buffer fencing variance to allow for no buffer fence facing across-street residential zoning.**BUFFER FENCE HEIGHT VARIANCE:** Buffer fence height variance to allow 4' high and 5' high buffer fence heights.**ZONING ORDINANCE  
REQUIREMENT****USE:** No parking allowed in an R-1, Single-Family Residential.**OFF-SITE PARKING:** Requires all parking to be on-site in a B-2, Neighborhood Business District.**BUFFER FENCING:** Requires a 3' high privacy fence along a parking lot street frontage facing across-street residential use.**BUFFER FENCE HEIGHT VARIANCE:** Requires a buffer fence to be 6' high along adjacent residentially used properties.**ZONING**

B-2, Neighborhood Business District; and R-1, Single Family Residential District

**AREA OF PROPERTY**

28,067 square feet/0.64±Acres

**TRAFFIC ENGINEERING  
COMMENTS**

No Comments

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant operates a lounge located in a B-2, Neighborhood Business District. There are two immediately adjacent lots zoned R-1, Single-Family Residential, as well as one directly across the street zoned B-2, Neighborhood Business District, which are currently being used as parking to meet the needs of the business as approved by the Board of Zoning Adjustment at its August 3, 2009 meeting.

The applicant wishes to place a 10' x 36.3' addition on the South side of the existing structure in order to allow for an increased dance floor. The applicant applied for the same variances that are currently being requested at the Board of Zoning Adjustment's August 3, 2009 meeting after having converted two of the residentially zoned properties into parking lots against the Planning Commission's decision at its November 6, 2008 meeting. At that meeting, the Planning Commission voted to deny several requests made by the applicant including: a rezoning of the R-1, Single-Family Residential lots to B-2, Neighborhood Business Commercial; a planned unit development to allow off-site parking; and a subdivision to create one legal lot of record from the lot with the lounge on it, as well as the adjacent lots currently used for parking. The currently proposed addition requires the applicant to receive approval from the Board of Adjustments to allow the variances again.

The proposed addition of 363 square feet increases the required amount of parking from 34 to 36, while eliminating 3 currently provided parking spaces. The applicant states that 41 parking spaces will be provided, however it should be noted that the site plan submitted currently shows that 40 parking spaces are actually provided; however, 5 extra parking spaces are provided.

The site is in an area with several residentially zoned and used properties. The applicant states that the expanded building will serve the same number of patrons and the type of business will be the same as the current business, therefore the addition will not have a negative impact on the neighborhood. However, it should be noted that it is possible that after the new addition is built, more costumers will use the facility, causing an increase in traffic, noise, and debris.

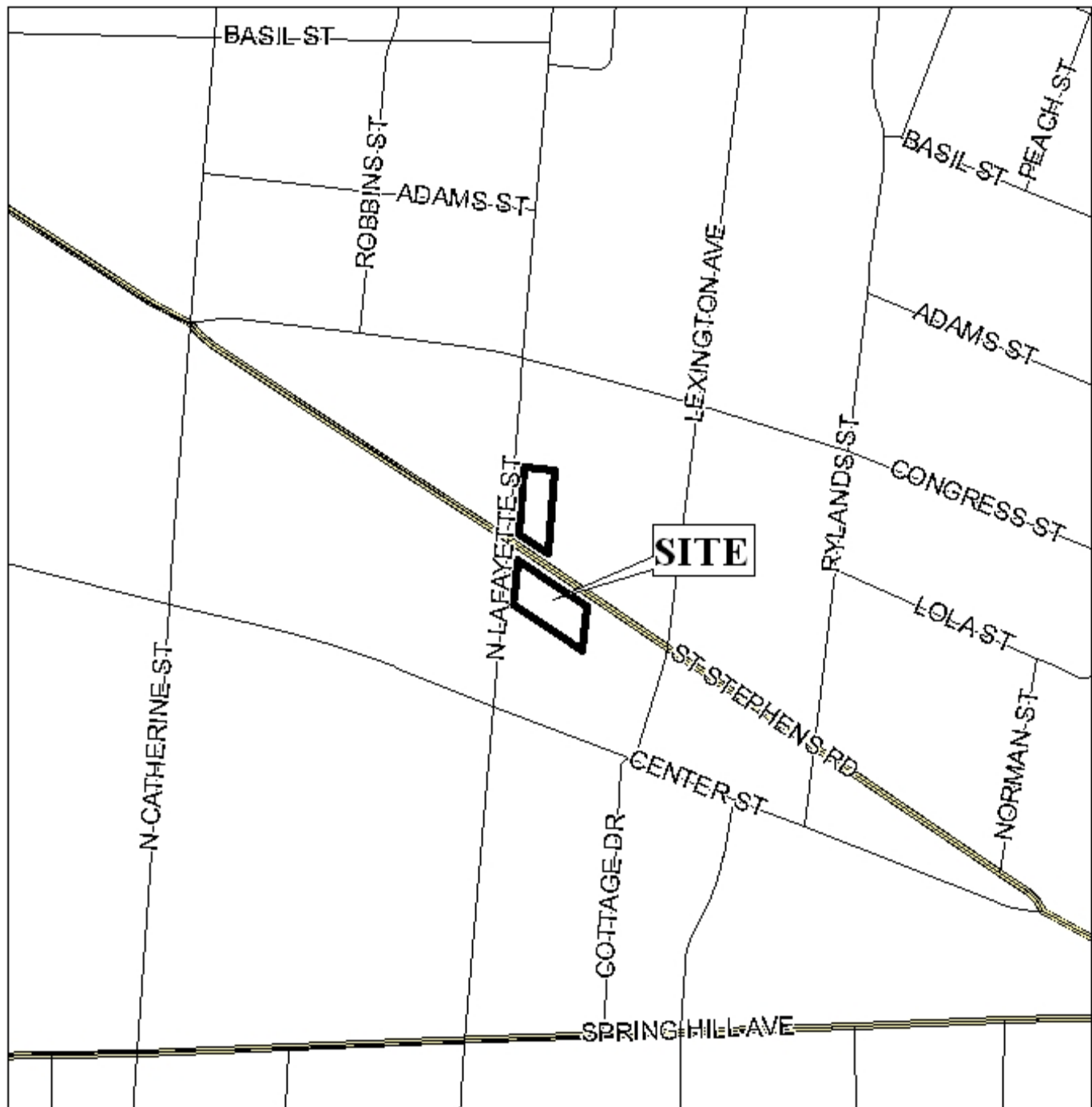
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

**RECOMMENDATION**  
for Denial.

Based upon the preceding, this application is recommended

## LOCATOR MAP



APPLICATION NUMBER 5662/5531 DATE March 14, 2011  
APPLICANT Napoleon McCovery  
REQUEST Use, Off-Site Parking, Buffer Fencing, and Buffer Fence Height Variances



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial land use is located to the west of the site. Residential land use is located to the south, north, and east of the site.

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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
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NTS



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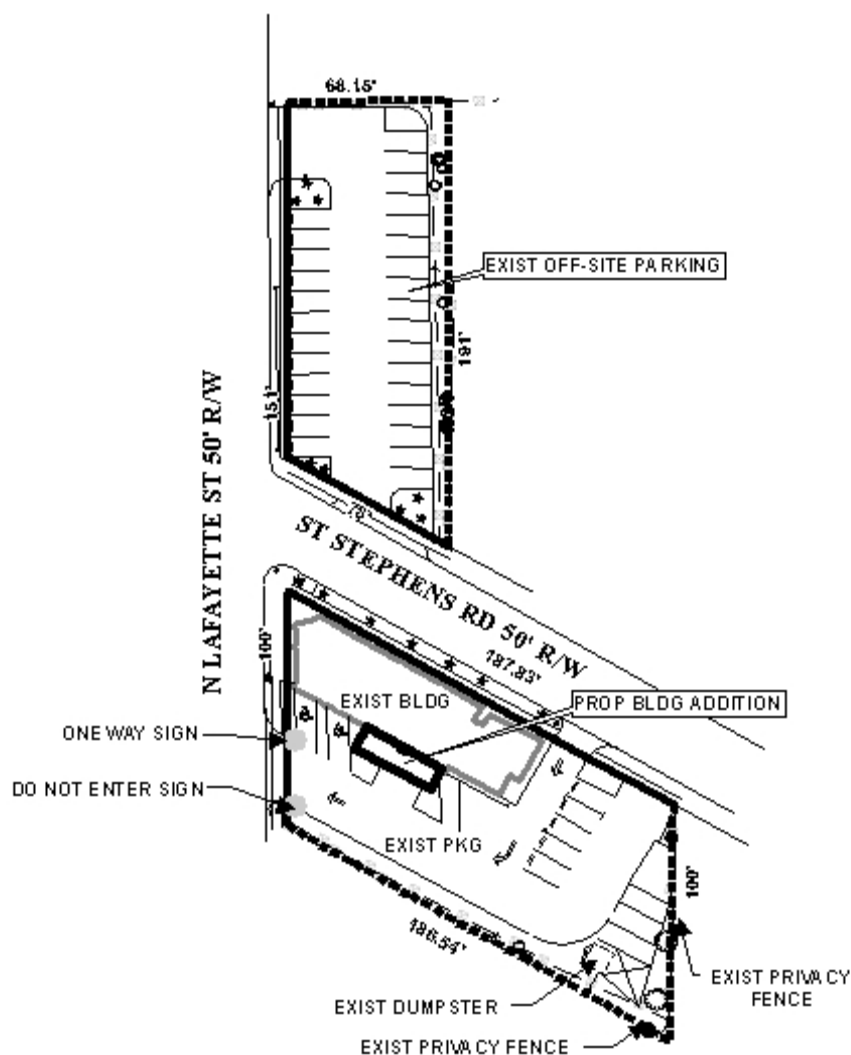


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# SITE PLAN



The site plan illustrates the existing improvements, proposed parking expansion, and proposed fencing

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