

APPLICATION NUMBER

5322

A REQUEST FOR

**HEIGHT VARIANCE TO ALLOW AN AVERAGE 58' TALL
HOTEL IN A B-3, COMMUNITY BUSINESS DISTRICT; A
MAXIMUM HEIGHT OF 45' IS ALLOWED IN A B-3,
COMMUNITY BUSINESS DISTRICT**

LOCATED AT

828 WEST I-65 SERVICE ROAD SOUTH

(Southwest corner of West I-65 Service Road South and Western America Drive)

APPLICANT/OWNER

IMAGE MOBILE HOTEL, INC.

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2005

The applicant is requesting a Height Variance to allow an average 58' tall hotel in a B-3, Community Business District; a maximum height of 45' is allowed in a B-3, Community Business District.

The applicant states the site has an existing two-story restaurant and parking facilities. The applicant proposes to demolish the restaurant and develop the site for a Hilton Garden Inn. The applicant states that the corporation requires that the building must have at least 100 rooms and that the only way this site could be developed to meet the criteria of 100 rooms, with the required parking, landscaping and trees, is for the building to be five stories tall. The applicant states the proposed hotel will provide ninety-nine parking spaces and will exceed the minimum landscaping and tree planting requirements of the Zoning Ordinance.

There are some concerns associated with the applicant's request. The first deals with the height issue. Section IV.C.3. of the Zoning Ordinance states that "for the purpose of permitting variety in the shape and bulk of structures, part of a main structure may be erected or altered to a height exceeding that specified for the district in which the structure is located. However, a volume of space at least equal to the volume of space occupied by the part of the structure exceeding the height limit must be provided and kept open below the height limit. It is intended that such open space below the height limit shall compensate for the excess bulk, and the compensating open space shall be provided on the same building site". The applicant's design does not allow for the compensation of open space.

It appears the applicant is basically overbuilding the property and the applicant has not submitted any documentation illustrating that the property could not be developed without a height variance. It should be noted that the site currently has an existing restaurant facility and other B-3 uses could utilize this property and comply with the height requirements of the Ordinance.

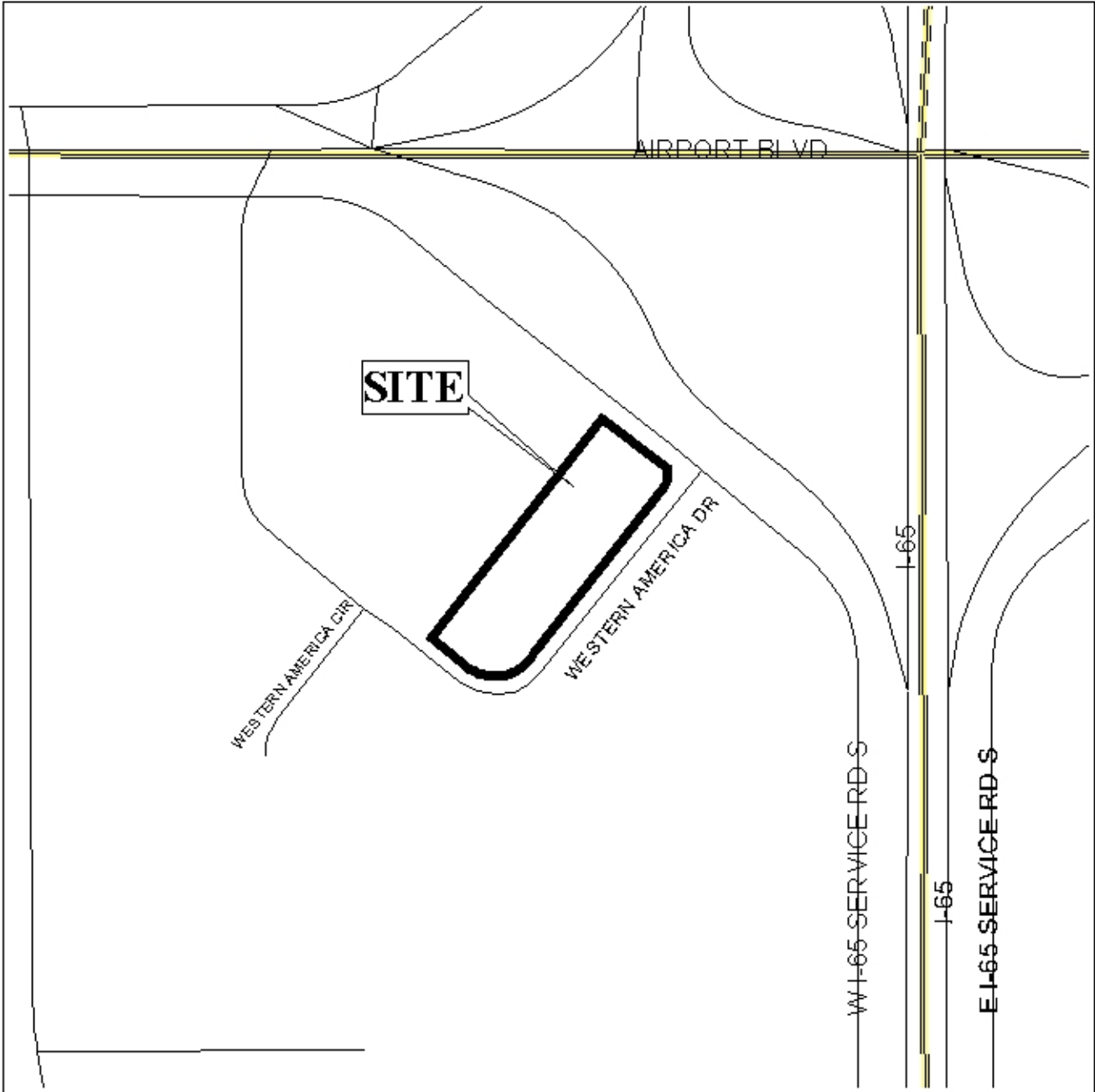
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions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

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to exceed the height limit without providing compensation for open space.

RECOMMENDATION 5322**Date: September 12, 2005**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



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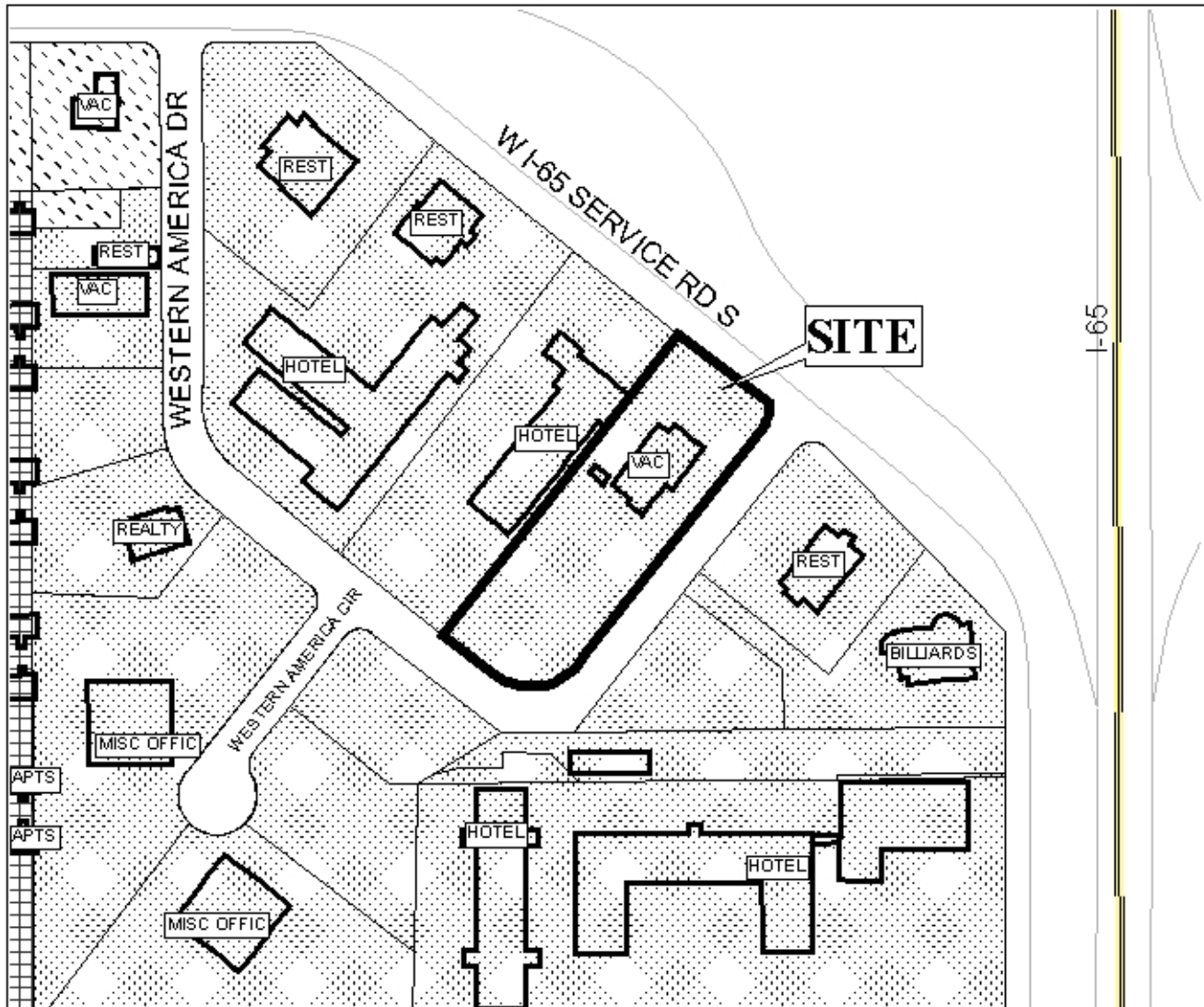
APPLICANT Image Mobile Hotel, Inc.

REQUEST Height Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial sites. An apartment complex is located to the west of the site

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APPLICANT Image Mobile Hotel, Inc.

REQUEST Height Variance

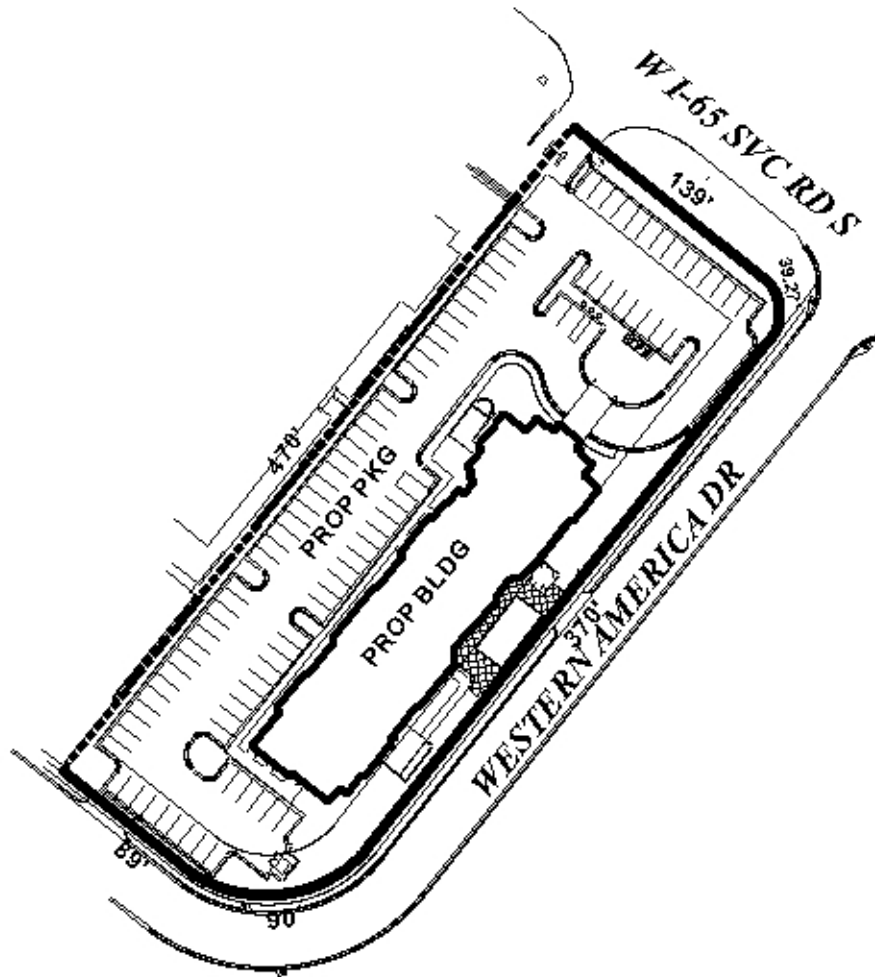
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



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SITE PLAN



The site plan illustrates the proposed building and proposed parking

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