

APPLICATION NUMBER

**5396**

A REQUEST FOR

**USE, OFF-SITE PARKING AND PARKING SURFACE  
VARIANCES TO ALLOW A CHURCH TO CONSTRUCT A  
36' X 56' CARPORT FOR 5 VEHICLES, TEMPORARY  
OFF-SITE PARKING SPACES AND AN AGGREGATE  
PARKING AND MANEUVERING SURFACE IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT; A CHURCH  
IS ALLOWED BY RIGHT IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT WITH PLANNING APPROVAL,  
THE ZONING ORDINANCE REQUIRES ALL PARKING  
AND STRUCTURES TO BE ON SITE; ASPHALT,  
CONCRETE OR AN APPROVED ALTERNATIVE PAVING  
SURFACE IS REQUIRED FOR ALL PARKING AND  
MANEUVERING AREAS.**

LOCATED AT

**2756 OLD SHELL ROAD**

(Northwest corner of Old Shell Road and Bay Shore Avenue)

APPLICANT/OWNER

**SHILOH MISSIONARY BAPTIST CHURCH**

AGENT

**REV. CHARLES W. HARRIS**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2006

The applicant is requesting Use, Off-Site Parking and Parking Surface Variances to allow a church to construct a 36' x 56' carport for 5 vehicles, temporary off-site parking spaces and an aggregate parking and maneuvering surface in an R-1, Single-Family Residential District; a church is allowed by right in an R-1, Single-Family Residential District with Planning Approval, the Zoning Ordinance requires all parking and structures to be located on-site; asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas.

The church recently began but did not complete construction of the proposed carport on church-owned property to the North of and adjacent to the main church site. That and other adjacent church-owned properties West of and adjacent to the main church site are being used for parking. Since the properties are still individual lots of record and have not been combined into one lot, the carport and parking areas are considered off-site. The church recently started using the parking areas and added an aggregate paving surface. It is now seeking a temporary variance to allow the continuance of such uses until the required Planning Approval, Planned Unit Development, and Subdivision applications have been submitted to the Planning Commission. A new building/sanctuary is planned for the site in 2007-2008.

Due to the size of the main church property and the existing church site being unable to accommodate the required parking, a hardship may exist for the church property. The proposed off-site parking could alleviate the parking problem and would not be out of character with the neighborhood as there are several churches within just a few blocks of the applicant.

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.

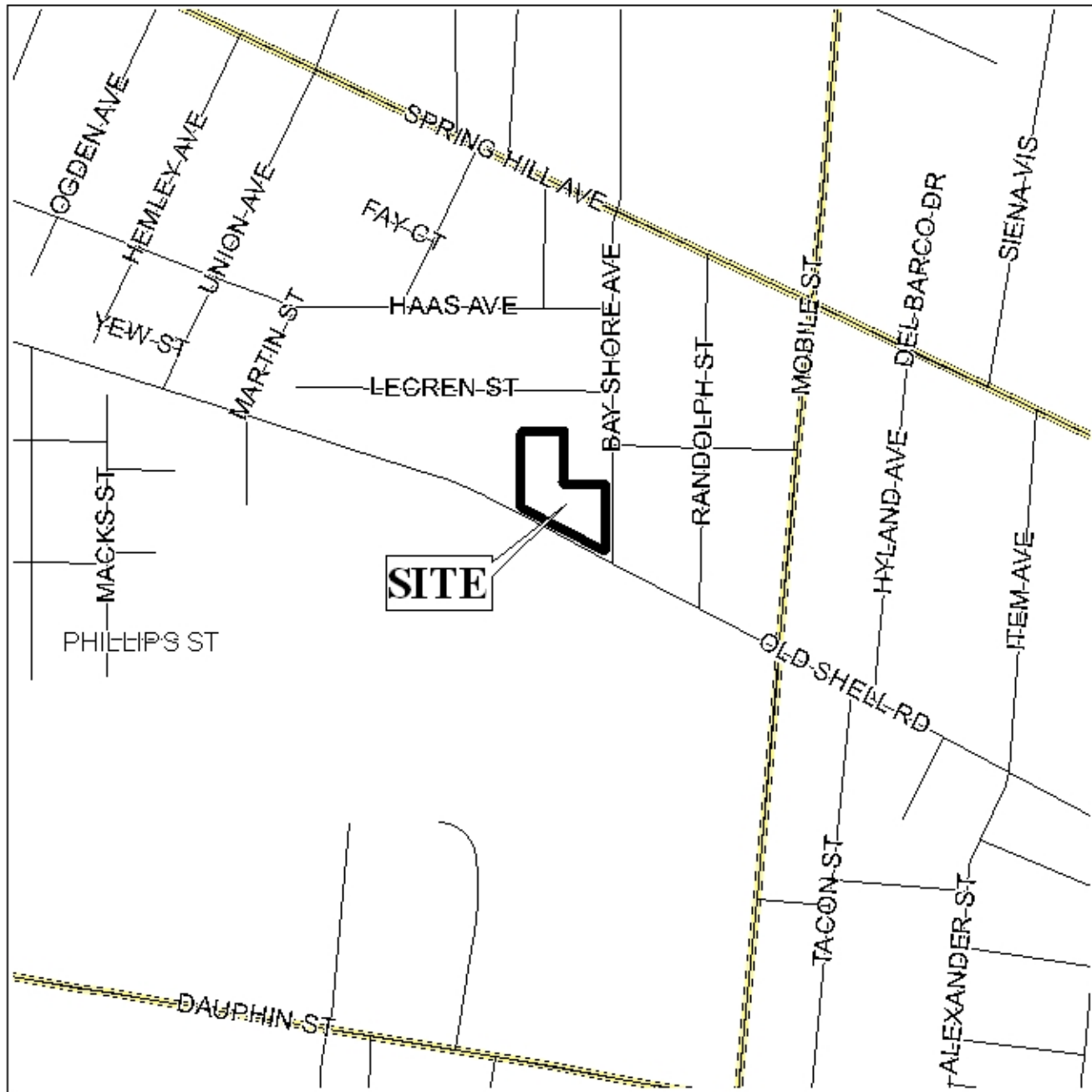
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has illustrated that a hardship exists with regard to parking on the existing main church site and the Board should consider the approval of the requested temporary variances subject to conditions.

**RECOMMENDATION 5396****Date: December 4, 2006**

Based upon the preceding, this application is recommended for approval subject to the following condition: (1) the Variance is limited to one year with the applicant to submit the required Planning Commission applications within that time period. Since construction will probably take more than one year, the Board can extend this time period if the proper Planning Commission approvals are received.

## LOCATOR MAP



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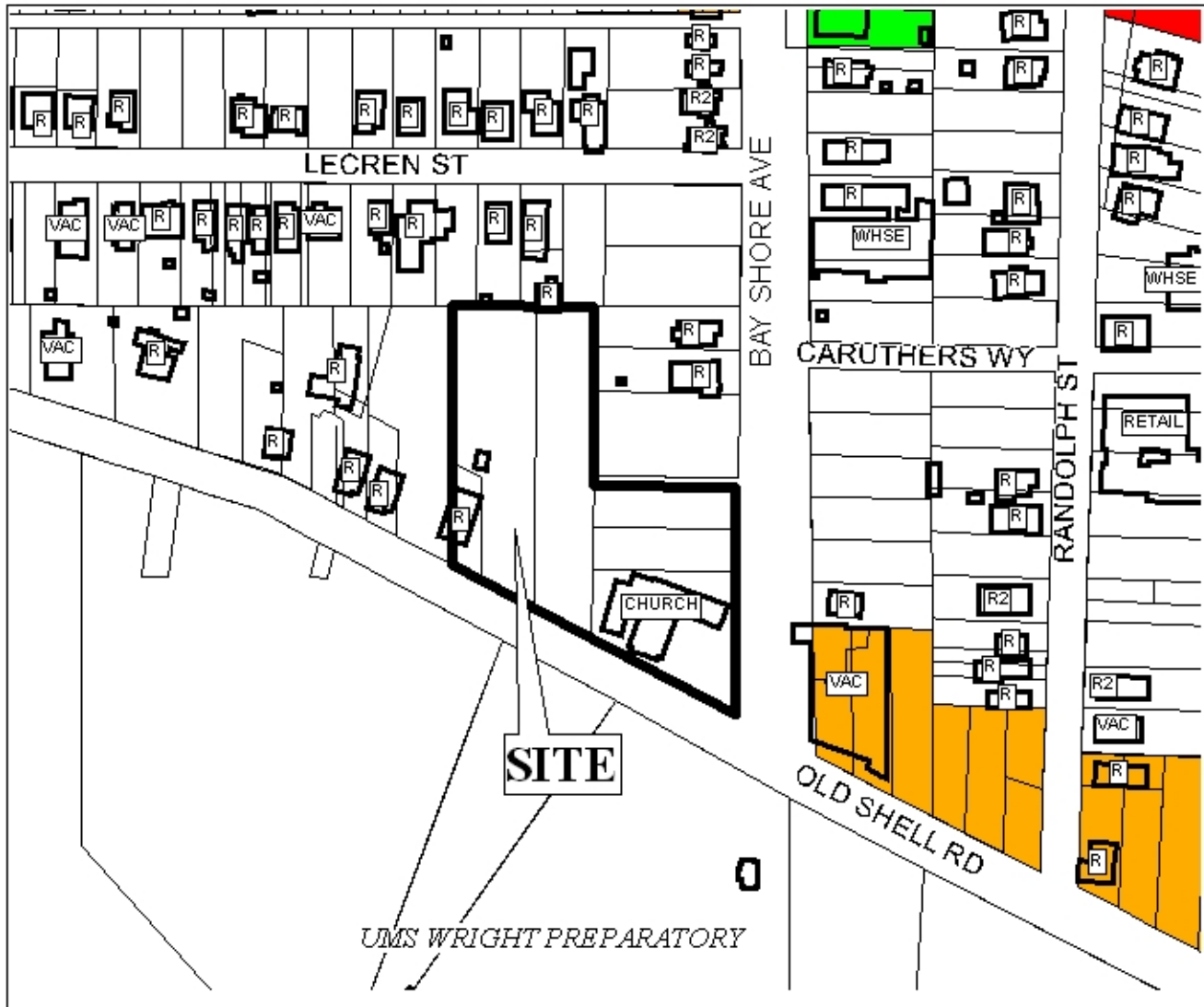
APPLICANT Shiloh Missionary Baptist Church

REQUEST Use, Off-Site Parking and Parking Surface Variances



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a private school south of the site, single family residential units to the northwest, north, and northeast, and retail to the southeast.

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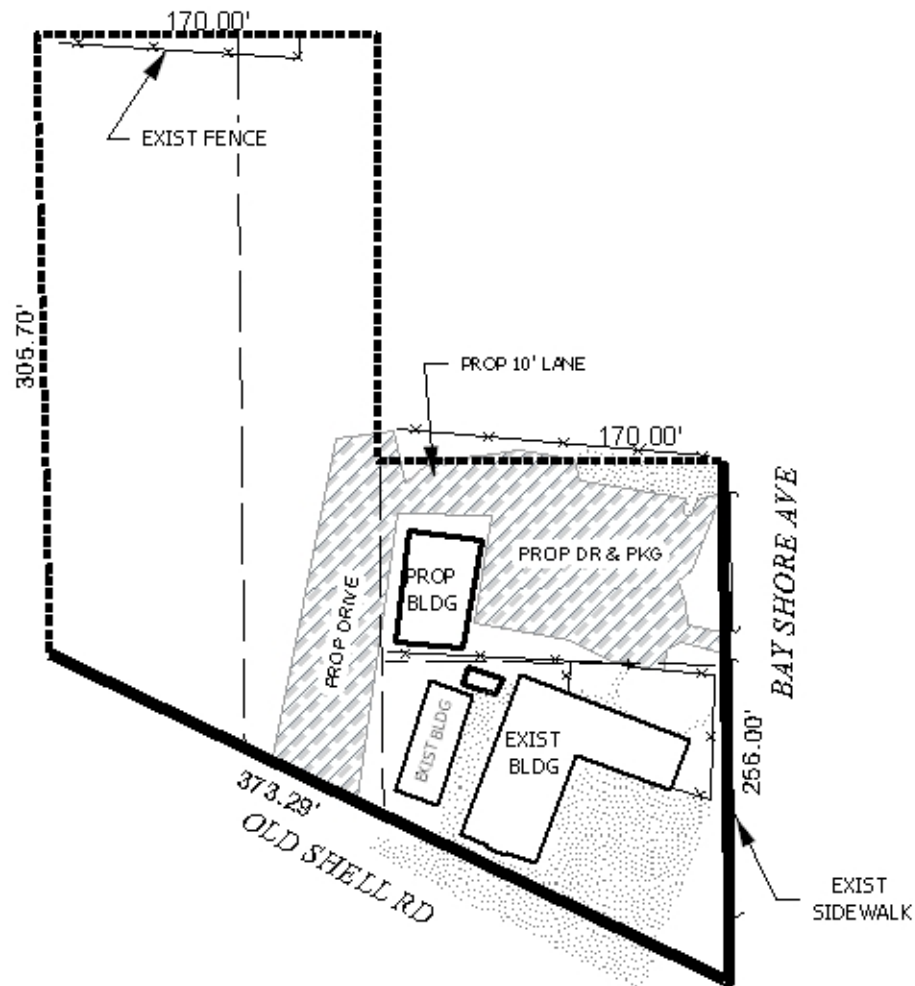
APPLICANT Shiloh Missionary Baptist Church

REQUEST Use, Off-Site Parking and Parking Surface 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	NTS
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# SITE PLAN



The site plan illustrates existing buildings, parking, and proposed building, parking and drives.

APPLICATION NUMBER 5396 DATE December 7, 2006

APPLICANT Shiloh Missionary Baptist Church

REQUEST Use, Off-Site Parking and Parking Surface Variance



NTS