

APPLICATION NUMBER

**5458/5423**

A REQUEST FOR

**OFF-SITE PARKING VARIANCE TO AMEND A  
PREVIOUSLY APPROVED VARIANCE TO ALLOW 284  
OFF-SITE (PAVED) PARKING SPACES ON AN OFFICE  
BUILDING SITE IN A B-2, NEIGHBORHOOD BUSINESS  
DISTRICT FOR POST-DISASTER AGENT OVERFLOW  
PARKING FOR A NEAR-BY INSURANCE COMPANY  
OFFICE; THE ZONING ORDINANCE REQUIRES ALL  
PARKING TO BE ON-SITE IN A B-2, NEIGHBORHOOD  
BUSINESS DISTRICT.**

LOCATED AT

North side of Michael Boulevard, 180'± West of Downtowner Boulevard, and extending  
North to Downtowner Boulevard, 176'± North of Michael Boulevard.

APPLICANT/AGENT

**DOWNTOWNER AND MICHAEL JOINT VENTURE**

OWNER

**HILLCREST COMMONS, INC.**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2008

The applicant is requesting an Off-Site Parking Variance to amend a previously approved variance to allow 284 off-site (paved) parking spaces on an office building site in a B-2, Neighborhood Business District for post-disaster agent overflow parking for a near-by insurance company office; the Zoning Ordinance requires all parking to be on-site in a B-2, Neighborhood Business District.

The applicant was granted an Off-Site Parking Variance to allow 373 off-site (paved) parking spaces in a B-2, Neighborhood Business District for post-disaster agent overflow parking for a near-by insurance company office for the subject site in July 2007. The site plan submitted for that application indicated a vacant site with only a paved parking lot. Since that approval, the applicant has planned to build a two-story, 13,104 square-foot office building on the site which would require 44 parking spaces. Since approved variances are use and site plan specific, any modifications to what was approved require a new variance, hence this application.

Since 44 of the site's parking spaces would be allocated to the office building's required parking, the remaining 284 spaces would be for the off-site use of the near-by insurance company office's post-disaster agent overflow parking. The applicant states that all conditions of the original variance will still be met.

In essence, this request is a down-sizing of the originally approved variance with a site plan modification to accommodate an allowable use. Two of the three previous conditions of approval should remain: 1) the site is required two times the required frontage trees along both road frontages; and 2) the provision of landscaped islands to break up the continuous rows of parking. The third condition, the provision of a secure (card-controlled) gate at each entrance to the parking lot, may not be a fair condition to apply in this case, since the site will be occupied by an office building and public access would be unnecessarily restricted by this requirement. Since the site has one entrance off both Michael Boulevard and Downtowner Boulevard, one of the entrances should be required to be card-controlled to prevent cut-through traffic.

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 demonstrated that the limitation of the site to strictly off-site overflow parking for a near-by company would produce a hardship in not allowing a permitted use for the site, an office building. Since the previously approved variance is now proposed to be scaled-down, the Board should consider this request for approval, subject to conditions.

**RECOMMENDATION 5458/5423****Date: January 7, 2008**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) the site is required two times the required frontage trees along both road frontages; (2) the provision of a landscape islands to break up the continuous rows of parking; and (3) one of the entrances is to be a card-controlled gate to prevent cut-through traffic.