

APPLICATION NUMBER

5535

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW 22 ON-SITE
PARKING SPACES FOR A 3,037 SQUARE-FOOT LOUNGE
IN A B-3, COMMUNITY BUSINESS DISTRICT; THE
ZONING ORDINANCE REQUIRES 31 ON-SITE PARKING
SPACES FOR A 3,037 SQUARE-FOOT LOUNGE IN A B-3,
COMMUNITY BUSINESS DISTRICT**

LOCATED AT

601 HOLCOMBE AVENUE

(Southeast corner of Holcombe Avenue and Senator Street)

APPLICANT

WILLIE L. WILLIAMS, JR

OWNER

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BOARD OF ZONING ADJUSTMENT

MAY 2009

The applicant is requesting a parking ratio variance to allow 22 on-site parking spaces for a 3,037 square-foot lounge in a B-3, Community Business District; the Zoning Ordinance requires 31 on-site parking spaces for a 3,037 square-foot lounge in a B-3, Community Business District.

The applicant intends to open a sports bar / grill at the subject site. Business hours will be Monday – Friday (6:00 pm – 1:30 am) and weekends (12:00 pm – 130 am). The applicant states that the structure is 3,037 square feet and requires a minimum 31 parking spaces; 22 are currently on-site. In order to meet the total requirement, the applicant has submitted letters from neighboring business owners authorizing shared use of their facilities. The applicant also states that Holcombe Ave allows curb side parking, which customers may utilize.

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.

It should be noted that the existing structure on-site is split into two suites. Suite A has been occupied by a business for several years, while Suite B has been vacant. The site appears to have been developed prior to the adoption of the Zoning Ordinance and may not comply with current regulations, parking in particular, and may currently be legally non-conforming. Now, the applicant is proposing to open a restaurant at the site, which requires three times as many parking spaces as the previous use; this will greatly increase the non-conformity of the site.

It should also be noted that the site plan submitted by the applicant is not to scale, nor does it contain information regarding square footages of either suite. Therefore, staff is unable to determine the exact number of parking spaces that are required, much less how many that are lacking. Furthermore, neighboring businesses cannot simply write a letter allowing the applicant to use their parking; site plans should be submitted for those sites as well, in order to verify not only that they have the excess parking to share, but also that they too are in full compliance with Section 64-6 of the Zoning Ordinance (surfacing, access / maneuvering, etc.).

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship.

RECOMMENDATION 5535**Date: May 4, 2009**

Due to insufficient information provided by the applicant, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5535 DATE May 4, 2009
 APPLICANT Willie L. Williams, Jr.
 REQUEST Parking Ratio Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial land use.

APPLICATION NUMBER 5535 DATE May 4, 2009

APPLICANT Willie L. Williams, Jr.

REQUEST Parking Ratio Variance

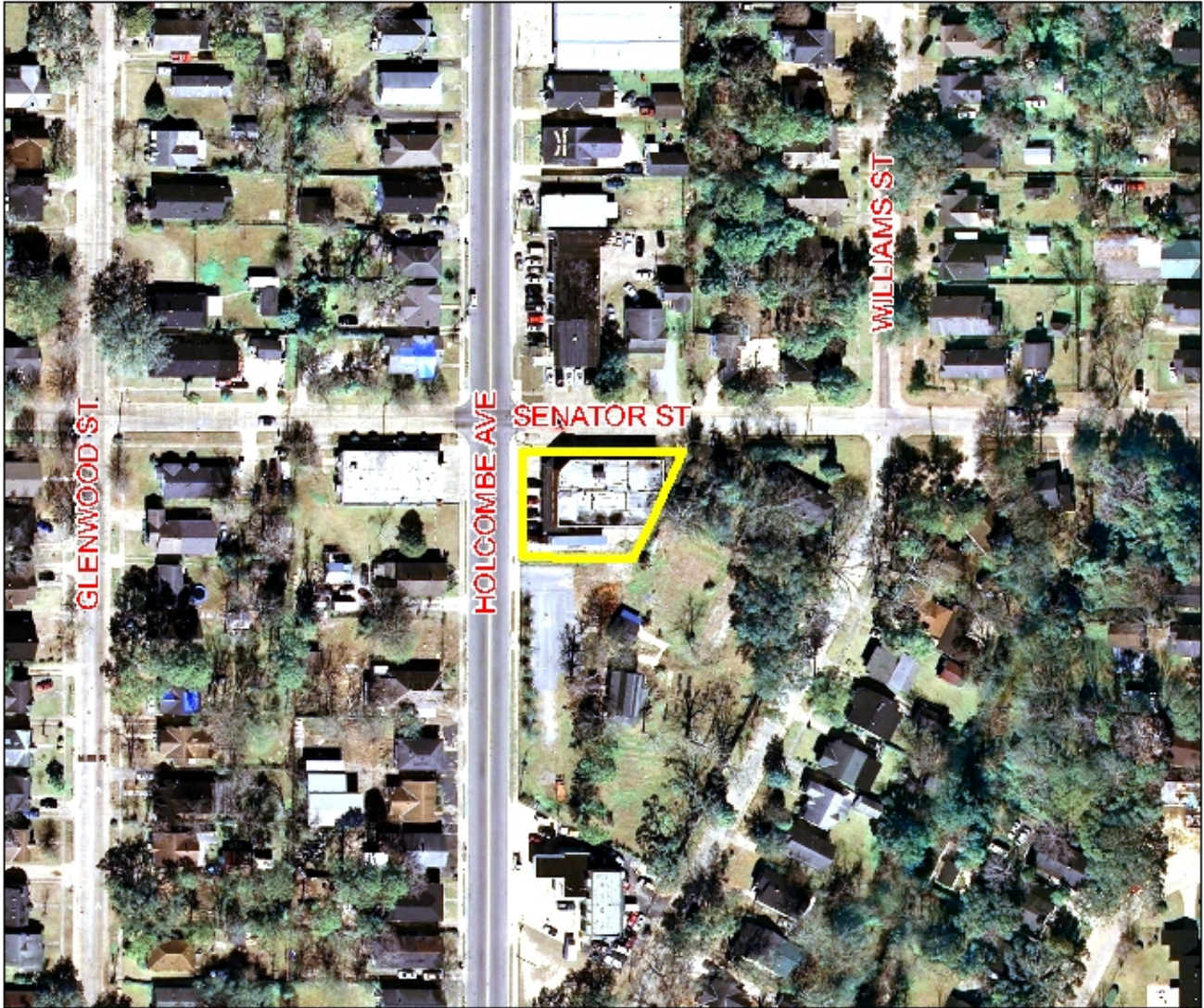
LEGEND

 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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

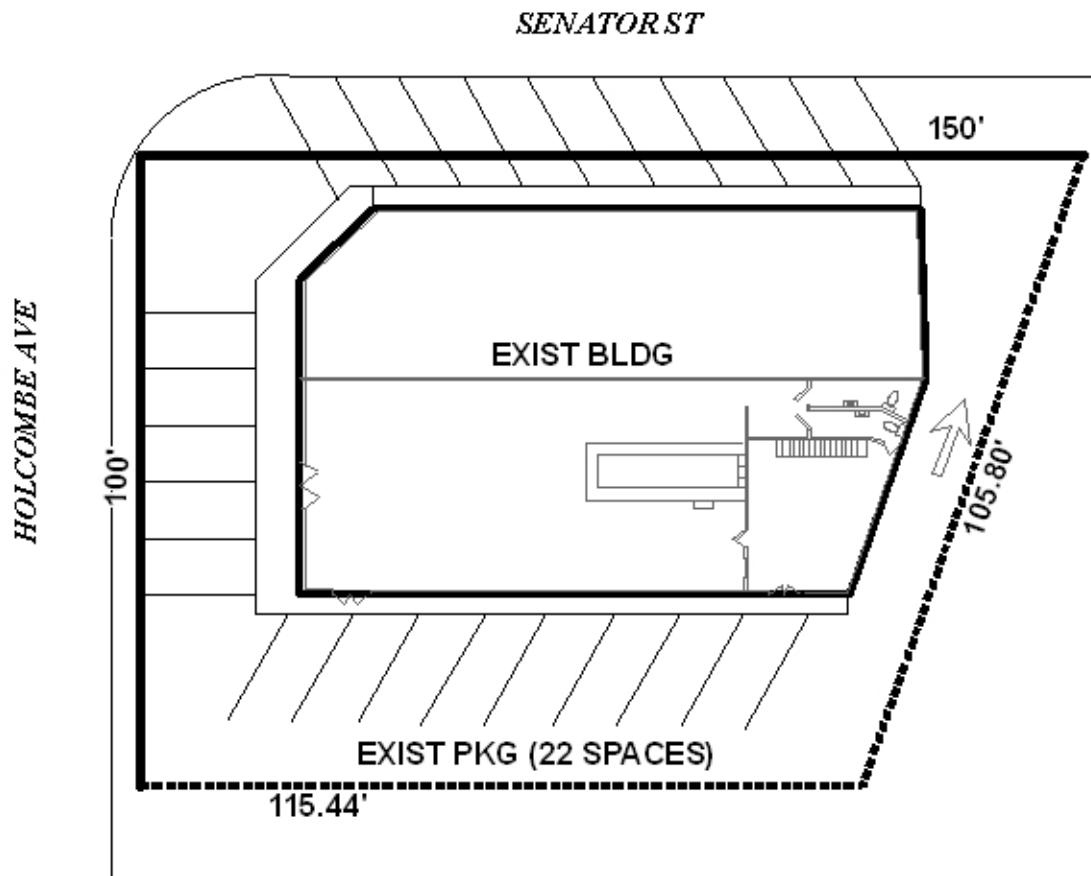


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SITE PLAN



The site plan illustrates the existing building and parking spaces

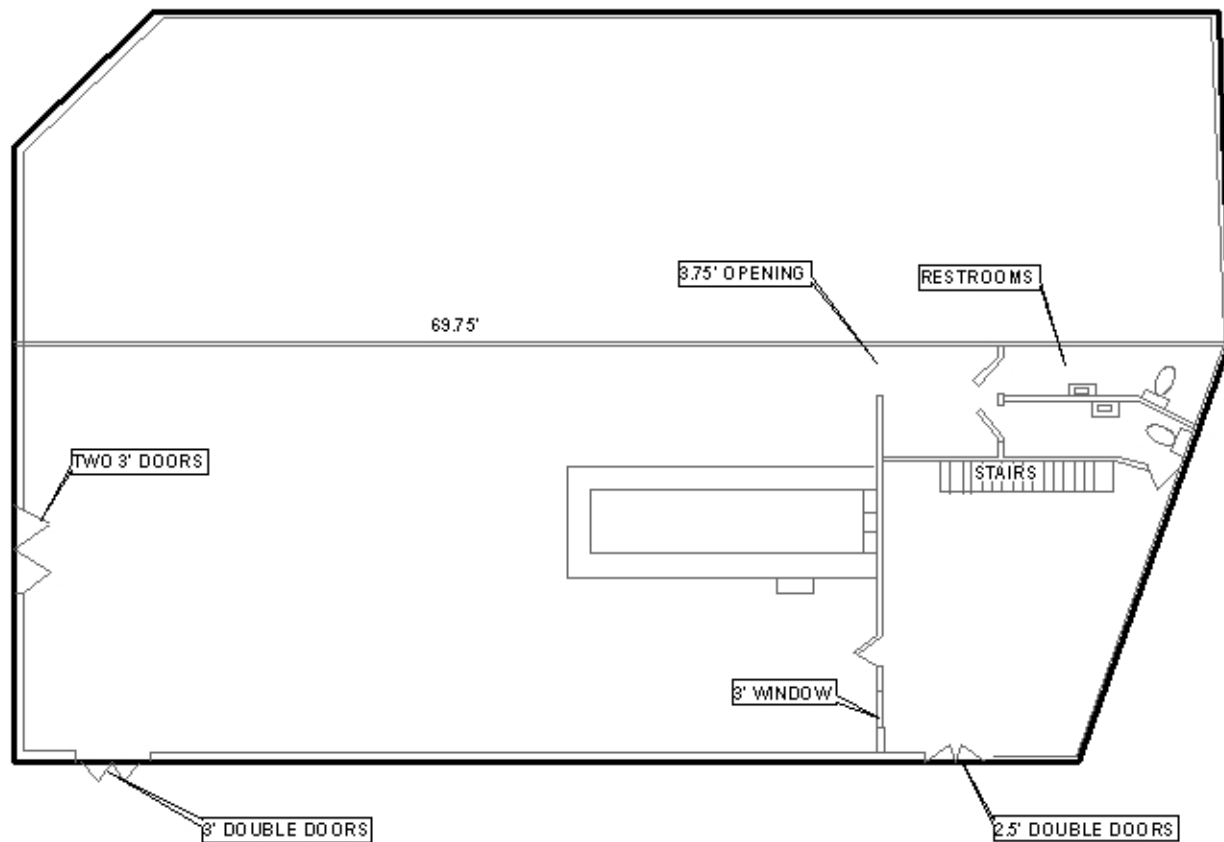
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INTERIOR BUILDING DETAIL



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