

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 12, 2011**

<u>CASE NUMBER</u>	5704
<u>APPLICANT NAME</u>	Hathaway, LLC
<u>LOCATION</u>	4477 Laughlin Drive South (South side of Laughlin Drive South, 380'± East of its West terminus)
<u>VARIANCE REQUEST</u>	SURFACING: Allow aggregate surfacing for some required parking spaces, maneuvering areas, and an equipment sales and storage yard.
<u>ZONING ORDINANCE REQUIREMENT</u>	SURFACING: Required parking, maneuvering areas, and equipment sale and storage yards are required to be paved with asphalt, concrete, or an approved alternative paving surface.
<u>ZONING</u>	I-1, Light Industry District
<u>AREA OF PROPERTY</u>	4.0 Acres ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Parking Surface Variance to allow gravel parking for some required parking spaces, maneuvering areas, and an equipment sales and storage yard in an I-1, Light Industry District; the Zoning Ordinance requires all parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface in an I-1, Light Industry District.

The applicant wishes to construct a new office and warehouse building along with associated parking and vehicular maneuvering areas. Additionally, the applicant proposes a display area for sales of heavy equipment, including equipment with large off-road tires and tracked equipment.

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.

The applicant states that the equipment storage area will have various heavy wheeled and tracked equipment. The applicant further expresses concern about the durability of asphalt or concrete pavement in the storage yard area due the nature of the equipment used in the business. The Board has, in the past, granted requests for aggregate surfacing in areas where this type of equipment operates as it has been considered a hardship due to maintenance of the paving.

Regarding the request for required parking surfacing variance and the maneuvering area variance, the applicant does not address these requests in the narrative; however the site plan depicts it. As the applicant provided no justification of hardship, and there is no hardship readily apparent, these requests should be denied.

RECOMMENDATION

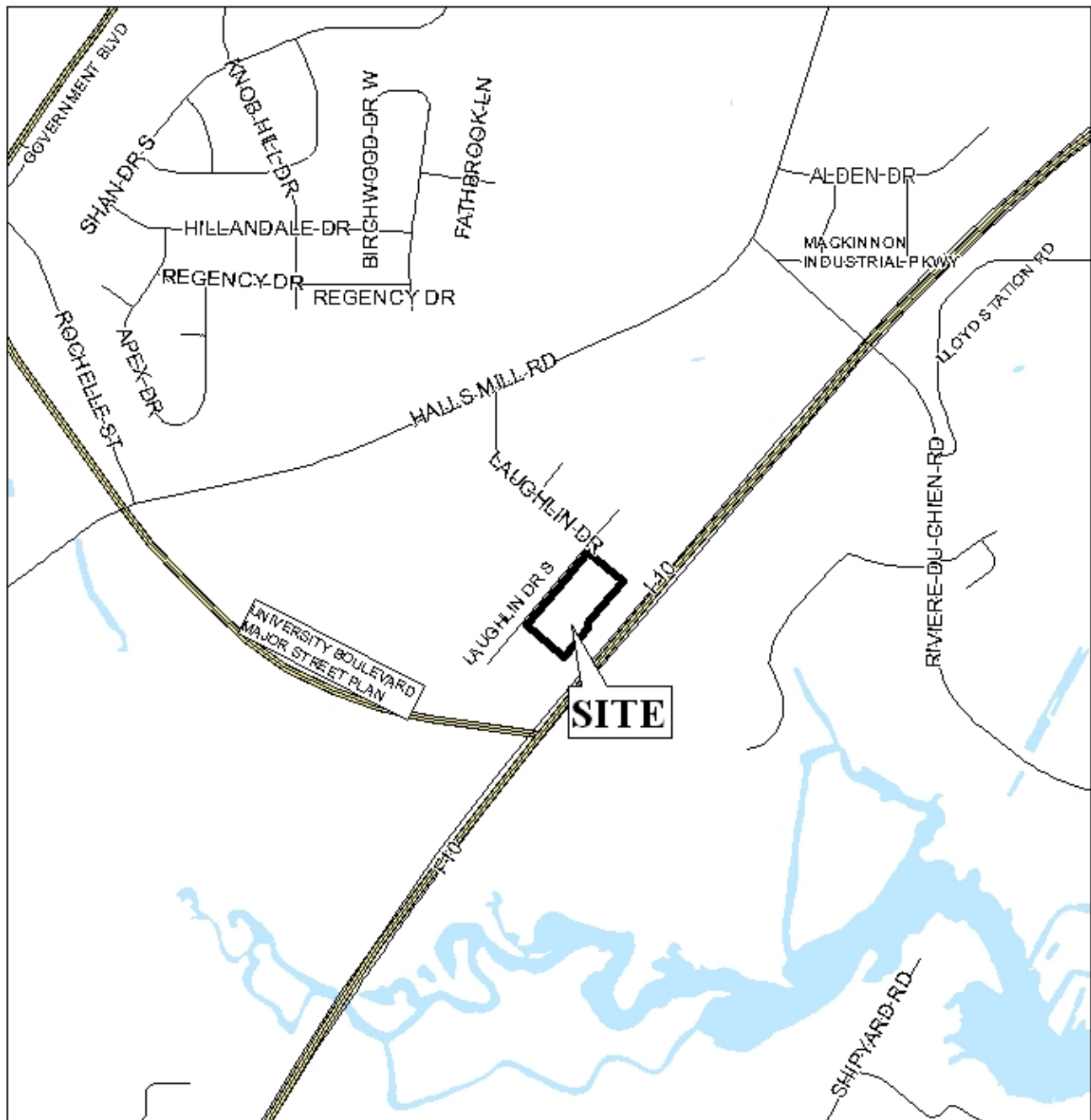
Based upon the preceding, the following is recommended:

Denial of the surfacing variance for the required parking and in the maneuvering areas; and

Approval of the surfacing variance for the equipment storage and sales yard only, subject to the following conditions:

- 1) all vehicular parking and maneuvering areas to be paved with asphalt or concrete;
- 2) full compliance with tree planting and landscaping requirements; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



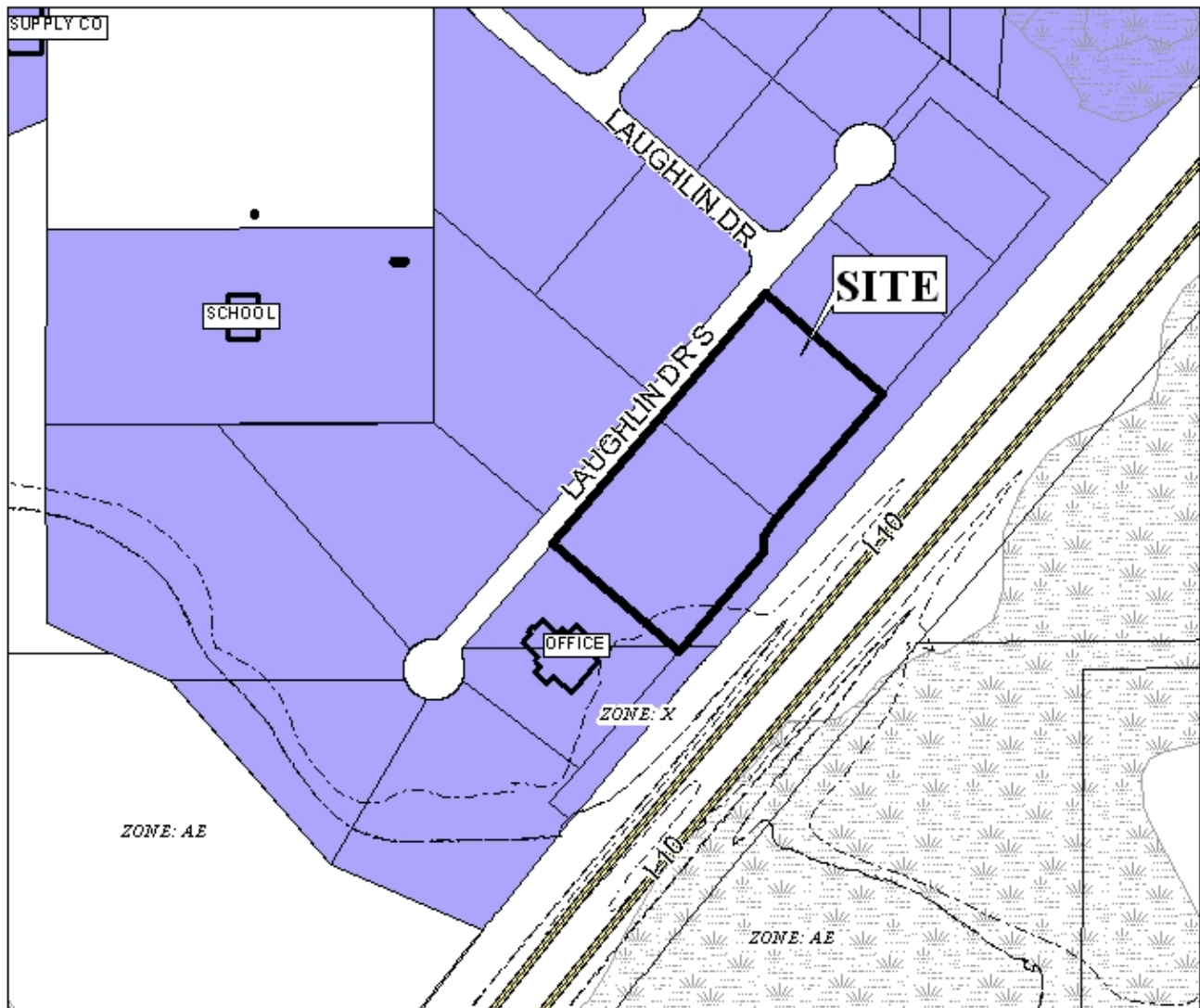
APPLICATION NUMBER 5704 DATE September 12, 2011

APPLICANT Hathaway, LLC

REQUEST Parking Surface Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

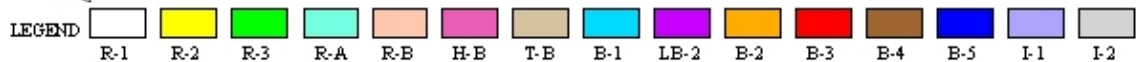


There is an office to the southwest of the site while other near by land is vacant.

APPLICATION NUMBER 5704 DATE September 12, 2011

APPLICANT Hathaway, LLC

REQUEST Parking Surface Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is an office to the southwest of the site while other near by land is vacant.

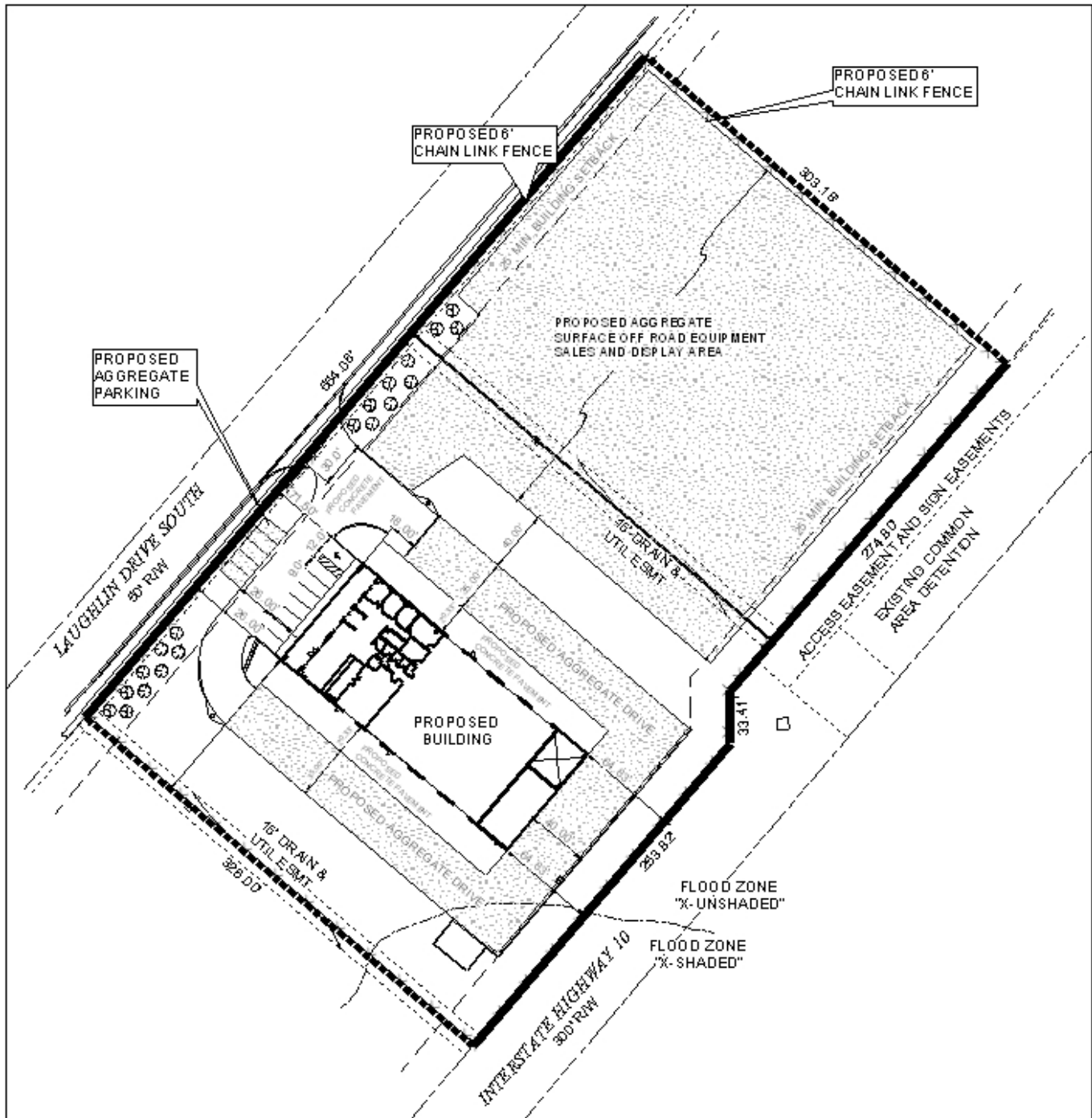
APPLICATION NUMBER 5704 DATE September 12, 2011

APPLICANT Hathaway, LLC

REQUEST Parking Surface Variance

N
NTS

DETAIL SITE PLAN



APPLICATION NUMBER 5704 DATE September 12, 2011

APPLICANT Hathaway, LLC

REQUEST Parking Surface Variance

