

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 7, 2013****CASE NUMBER**

5808 / 5504 / 5455 / 4686 / 4646

**APPLICANT NAME**

James McAleer

**LOCATION**3305 Springhill Avenue  
(East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)**VARIANCE REQUEST****PARKING RATIO:** Parking Ratio Variance to allow 32 parking spaces for an 18,084 square-foot retail showroom and 6-employee warehouse in a B-3, Community Business District**SITE COVERAGE:** Site Coverage Variance to allow 64% site coverage in an B-3, Community Business District**ZONING ORDINANCE  
REQUIREMENT****PARKING RATIO:** The Zoning Ordinance requires one parking space per 300 square feet for an 18,084 square-foot showroom (61 parking spaces) and one parking space per three warehouse employees (2 parking spaces), for a total of 63 required parking spaces**SITE COVERAGE:** The Zoning Ordinance allows up to Site Coverage Variance to allows up to 50% site coverage in a B-3, Community Business District**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

68,536 square feet / 1.57 ± Acres

**ENGINEERING  
COMMENTS**

No comments – Applicant has an existing Land Disturbance Permit submitted for review.

**TRAFFIC ENGINEERING  
COMMENTS**

No comments

**CITY COUNCIL  
DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting a Parking Ratio Variance to allow 32 parking spaces for an 18,084 square-foot retail showroom and 6-employee warehouse and increased site coverage to 64% in an B-3, Community Business District; the Zoning Ordinance requires one parking space per 300 square feet for an 18,084 square-foot showroom (61 parking spaces) and one parking space per three warehouse employees (2 parking spaces), for a total of 63 required parking spaces and site coverage up to 50% in an B-3, Community Business District.

In November 2007 the applicant was granted approval by the Planning Commission for Rezoning, Planning Approval, Subdivision, and Planned Unit Development applications. One of the conditions of approval for the Planning Approval and Planned Unit Development applications was the application for a parking ratio variance, and approval of the request by the Board of Adjustment prior to the issuance of building permits. The applicant was granted the parking ratio variance in January 2008 and again in November 2008 after the January 2008 approval expired. The proposed constructed did not occur, thus the Planned Unit Development approval allowing increased site coverage and reduced setbacks and the parking ratio variance approval expired, hence the application at hand.

As the site coverage request can be accommodated through the variance process, staff recommended to the applicant that the parking ratio variance application be modified to also address the increased site coverage request, so that an additional application to the Planning Commission for PUD approval can be avoided.

The applicant states that the existing business has been operating since 1983 with 15 employees and 22 parking spaces. It is stated that parking has never been a problem and that rarely more than two or three customers are at the site at one time. The applicant further states that the increased warehouse space will have no increase in the required parking; however ten addition parking spaces will be added in conjunction with the addition. It is argued that to require the parking to be upgraded to meet Zoning requirements, after almost 25 years of operation, would create an undue hardship on the business and would make it impossible to expand the existing warehouse space. The applicant states that if this application is denied, the existing 22 parking spaces would remain and the warehouse expansion would be canceled, and if the application is approved, ten parking spaces would be added creating a more desirable situation with respect to parking.

The site is required to have 63 parking spaces, however, there is no proposed increase to the existing 18,084 square-foot showroom, which requires 61 parking spaces, and no increase in warehouse employees is proposed. Therefore, there is no increased parking requirement beyond the currently required 63 spaces. On a general retail sales site, this could be considered very substandard and cause much congestion. But a specialized office furniture retailer/distributor, with no type of high-volume office supplies or services sales, would not generate the customer traffic generally associated with normal retail sales. If the existing parking is sufficient to handle employee and customer traffic, ten additional spaces should be more than adequate for such.

Regarding site coverage, the existing building is 36,084 square feet, or at 52.6% coverage of the 68,536 square foot site (per the recorded plat). The proposed 8,400 square foot warehouse addition will bring the total building size up to 44,484 square feet, or 64.9% of the site.

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.

As the Board has previously approved the parking ratio variance for this site, re-approval would seem appropriate as the request is identical to the previously approved November 2008 request. The conditions for approval should also remain the same.

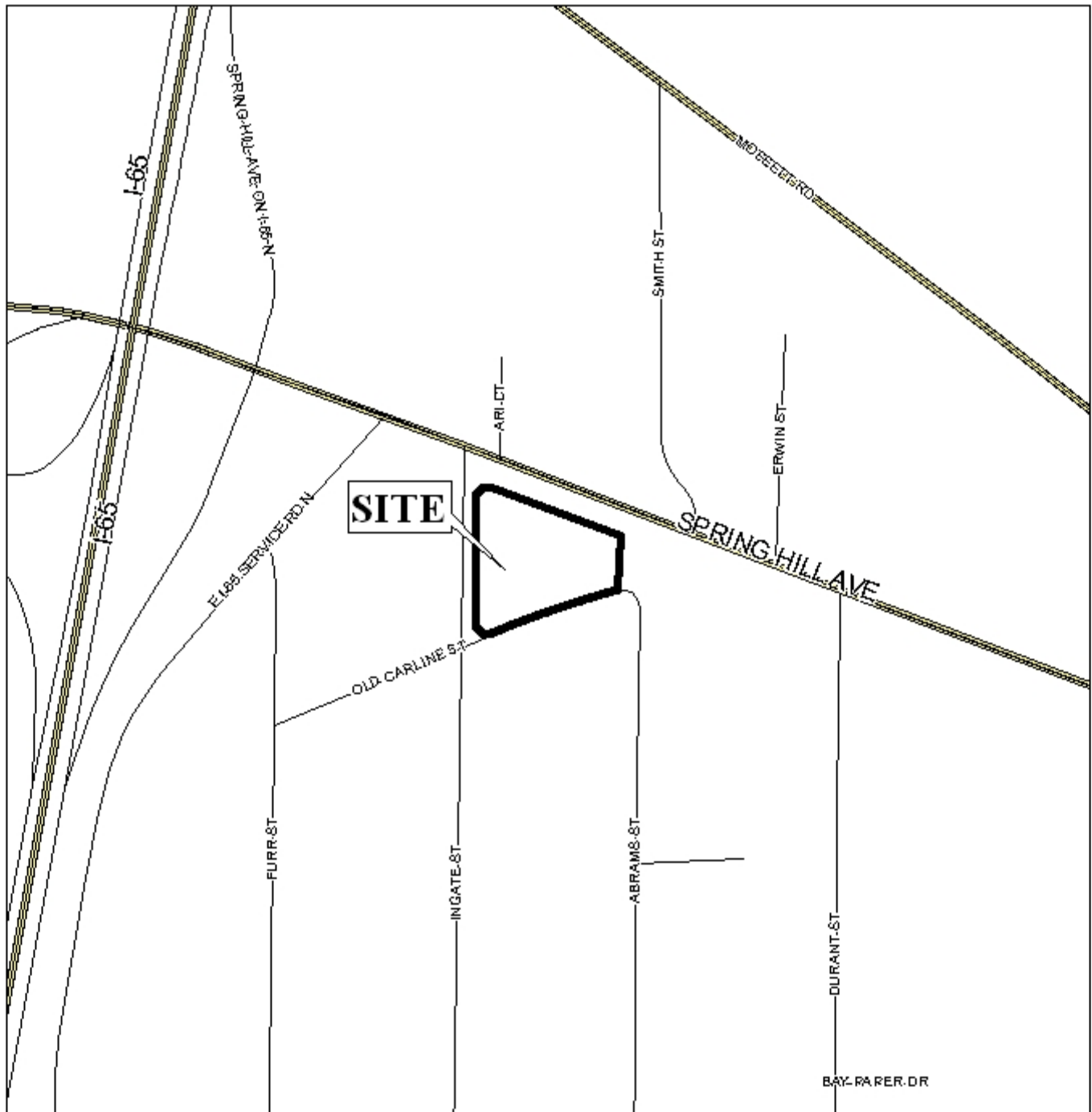
Vertical expansion of warehouses is not, typically, considered due to logistical and structural complexity of multi-floor storage, maneuvering and accessibility. As such, an increase in site coverage is the only viable option for the applicant's existing facility. Since an increase in the site coverage was approved in 2007 via a Planned Unit Development, and as other expansion options within the existing building footprint would cause hardships associated with the technical operation of the business, approval of the request may be appropriate.

### **RECOMMENDATION:**

Based on the preceding, this Parking Ratio Variance request to allow 32 parking spaces for an 18,084 square-foot retail showroom and 6-employee warehouse and increased site coverage variance request to allow **64.9%** in a B-3, Community Business District, is recommended for approval, subject to the following conditions:

- 1) Revision of the lot area information and associated calculations on the site plan to reflect the lot size on the recorded plat: 68,536 square feet;
- 2) Revision, at the applicant's discretion, of the existing parking area to shift some parking to an expanded new parking area, and replacement of the shifted existing parking spaces with landscaping and directional arrows to create a one-way circulation in the existing parking area;
- 3) Compliance with the tree and landscaping requirements to be coordinated with Urban Forestry; and,
- 4) Full compliance with all municipal codes and ordinances for the new construction.

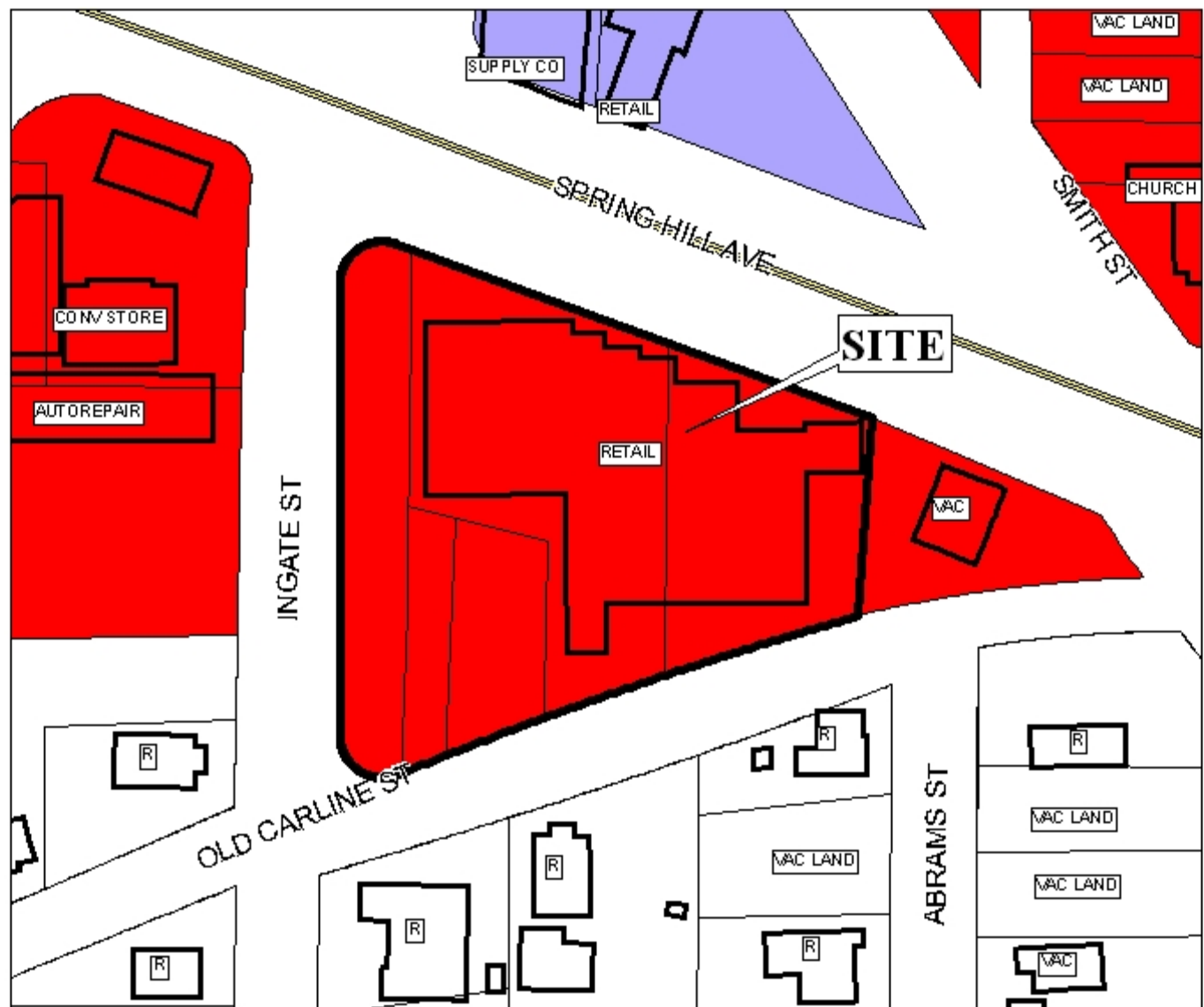
# LOCATOR MAP



APPLICATION NUMBER 5808 DATE January 7, 2013  
APPLICANT James McAleer  
REQUEST Parking Ratio Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Businesses are located to the north and west of the site.  
Single-family residences are located to the south of the site.

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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

N  
↑  
NTS

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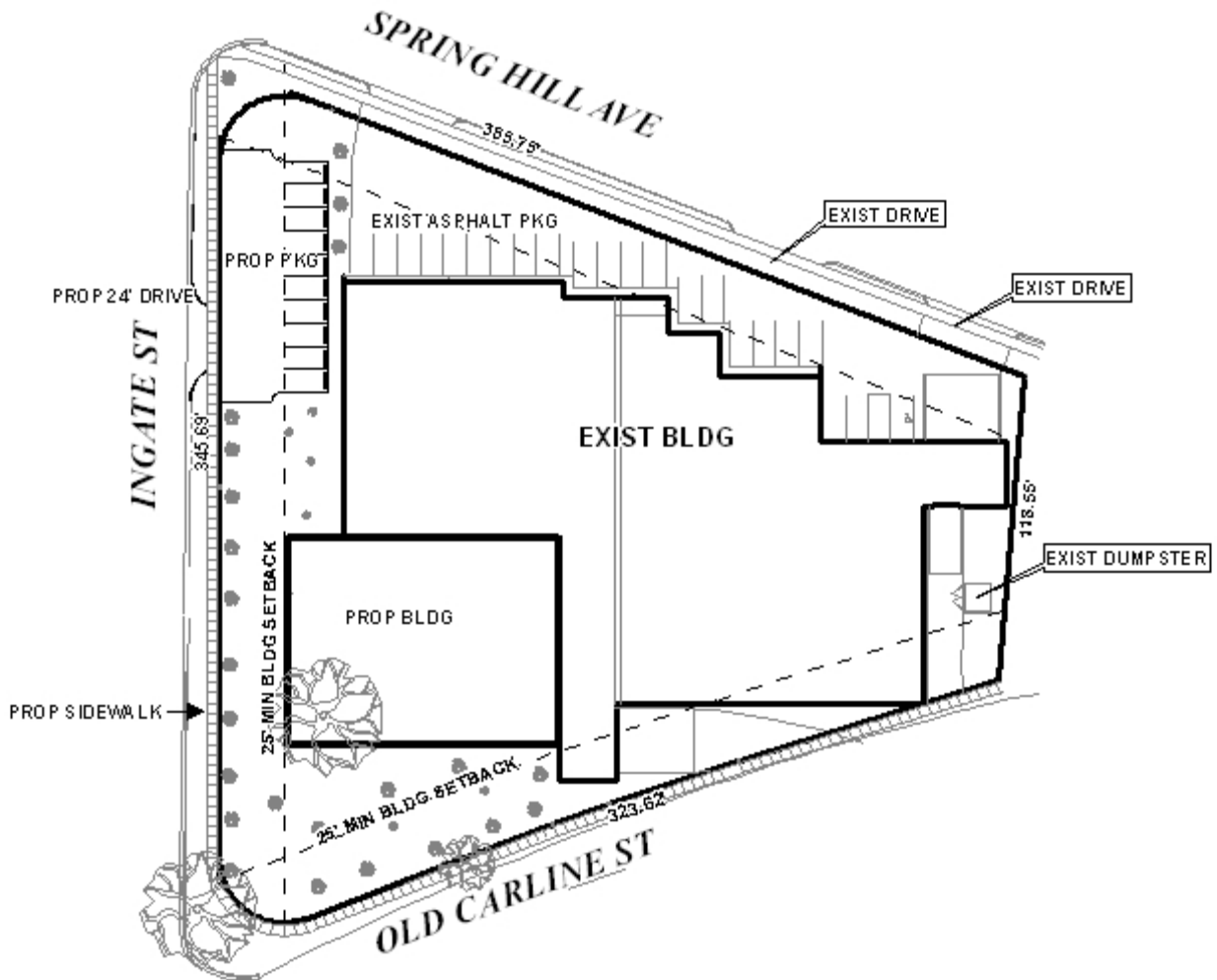


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N  
NTS

# SITE PLAN



The site plan illustrates the proposed parking and building addition.

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N  
 NTS