

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 14, 2011****CASE NUMBER**

5664

APPLICANT NAME

Lily Baptist Church

LOCATION

358 Kennedy Street
(Northwest corner of Basil Street and Harrison Street,
extending to the East side of Kennedy Street, 90'± South of
Lyons Street)

VARIANCE REQUEST

SETBACK: Front Yard Setback Variance to allow an addition that will house restrooms and offices within 15' of the front property line in an R-2, Two-Family Residential District.

PARKING RATIO: Parking Ratio Variance to allow a 250-seat church with 39 on-site parking spaces in and R-2, Two-Family Residential District

**ZONING ORDINANCE
REQUIREMENT**

SETBACK: 25' minimum building setback from the front property line in an R-2, Single-Family Residential District.

PARKING RATIO: One space per four seats for churches.

ZONING

R-2, Two Family Residential

AREA OF PROPERTY

40,718 square feet/0.93±Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Front Yard Setback Variance to allow an approximate 40' x 50' expansion for two office spaces and restroom facilities within 15' of the front property line in an R-2, Two-Family Residential District; the Zoning Ordinance requires a 25' minimum building setback from the front property line in an R-2, Two-Family Residential District. A parking ratio variance is also requested to reduce the number of required parking spaces for a 250-seat church from 63 to 39.

Successful variance applications for the front yard set-back and the parking ratio were conditions for the applicant to receive planning approval to expand the church in an R-2, Two-Family Residential District at the Planning Commission's January 21, 2011 meeting.

The applicant states that the new addition must be placed in the 25 foot set-back because it would create a hardship to shift the addition within the 25 foot set-back with the current interior configuration. It should be noted that after reviewing the submitted site plan as well as aerial photos of the site it appears that the addition could be placed on the Southeast side of the church facing Harrison Street without encroaching on the 25 foot set-back, or removing any currently provided parking spaces. However, since the interior layout of the church was not submitted, it is unclear how practical this option would be. Another option to eliminate the set-back encroachment would be to reduce the size of the addition.

The applicant's currently proposed addition will not increase their parking requirements; however the applicant currently has 39 parking spaces and, based on the seating capacity of the church is required to have 63, leaving 24 fewer parking spaces than required. After reviewing the submitted site plan, it appears that they could possibly provide approximately 12 more parking spaces on the Southeast side of the church facing Harrison Street; however, this would not bring them completely into compliance with the required 63 parking spaces.

The applicant states that the church does not need any additional parking spaces because the majority of the congregation walks from adjoining neighborhoods, and on-street parking is available if needed. The applicant goes on to state that the requirement that the church build additional parking spaces as a result of the proposed expansion would, itself, be a hardship.

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.

RECOMMENDATION:

Based on the preceding, this application is recommended for Denial.

LOCATOR MAP



APPLICATION NUMBER 5664 DATE March 14, 2011
APPLICANT Lily Baptist Church
REQUEST Front Yard Setback and Parking Ratio Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING






The site is surrounded by residential land use.

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LEGEND

														NTS
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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

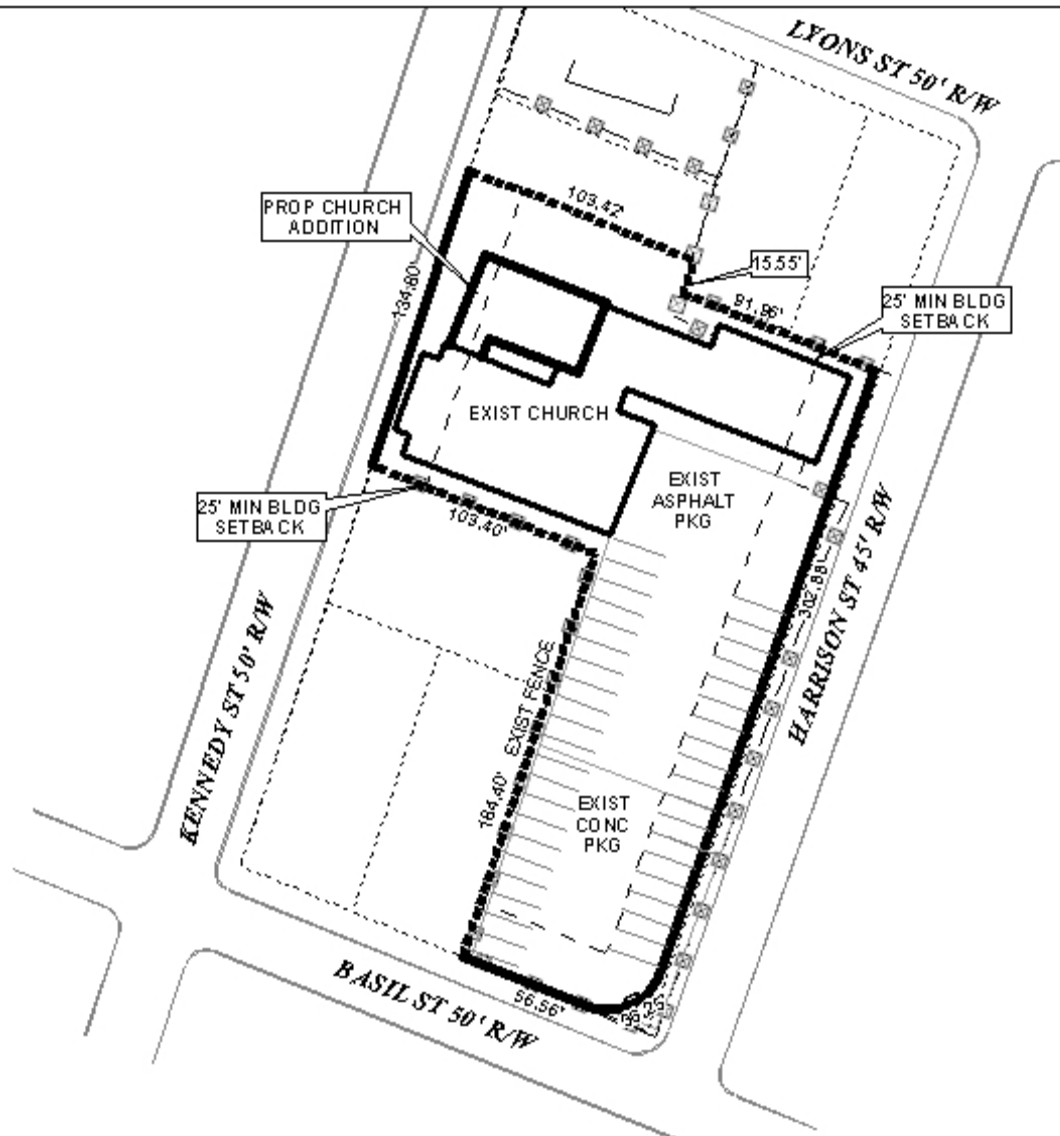


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SITE PLAN



The site plan illustrates the proposed church addition.

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 NTS