

APPLICATION NUMBER

5620

A REQUEST FOR

**TREE PLANTING AND LANDSCAPE VARIANCE
TO ALLOW NO TREE PLANTINGS OR
LANDSCAPING; THE ZONING ORDINANCE
REQUIRES 11,786 SQUARE FOOT TOTAL SITE
LANDSCAPING (WITH 7,022 SQUARE FOOT OF
THAT BEING IN THE FRONT YARD), AND 26
OVERSTORY FRONTAGE TREES FOR A 98,218
SQUARE FOOT LOT WITH 816.82 LINEAR FEET
OF RIGHT-OF-WAY FRONTAGE IN AN I-2,
HEAVY INDUSTRY DISTRICT.**

LOCATED AT

601 SOUTH ROYAL STREET

(Northeast corner of South Royal Street and Elmira Street)

APPLICANT

SIGNAL SHIP REPAIR, LLC

BOARD OF ZONING ADJUSTMENT

JUNE 2010

The applicant is requesting tree planting and landscape variance to allow no tree plantings or landscaping; the Zoning Ordinance requires 11,786 square foot total site landscaping (with 7,022 square foot of that being in the front yard), and 26 overstory frontage trees for a 98,218 square foot lot with 816.82 linear feet of right-of way frontage in an I-2, Heavy Industry District.

The applicant states that the subject site is located in zoning district I-2 and primarily consists of heavy industrial. The applicant further states that the property is currently used as a concrete parking facility for a shipbuilding and repair company. The applicant also states that a modular office building is proposed as shown with the existing parking to remain. The applicant points out that the existing concrete parking is located in the front setback of South Royal and Elmira Street and that the paved roadway in South Royal Street is centered to the eastern side of the right-of-way placing it within 3.5 feet of the right-of-way line. The applicant further points out that these conditions leave no green space to plant and maintain healthy trees. The applicant states that the property has truck and heavy equipment traffic entering and exiting the facility; thus, making placement of trees in a protected location difficult. For these reasons, a variance is requested to release the property owner from the zoning requirement to plant frontage trees.

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.

Compliance with the tree and landscaping section of the Zoning Ordinance is required because the applicant is adding buildings to a site that has not had any structure on the site for at least 13 years.

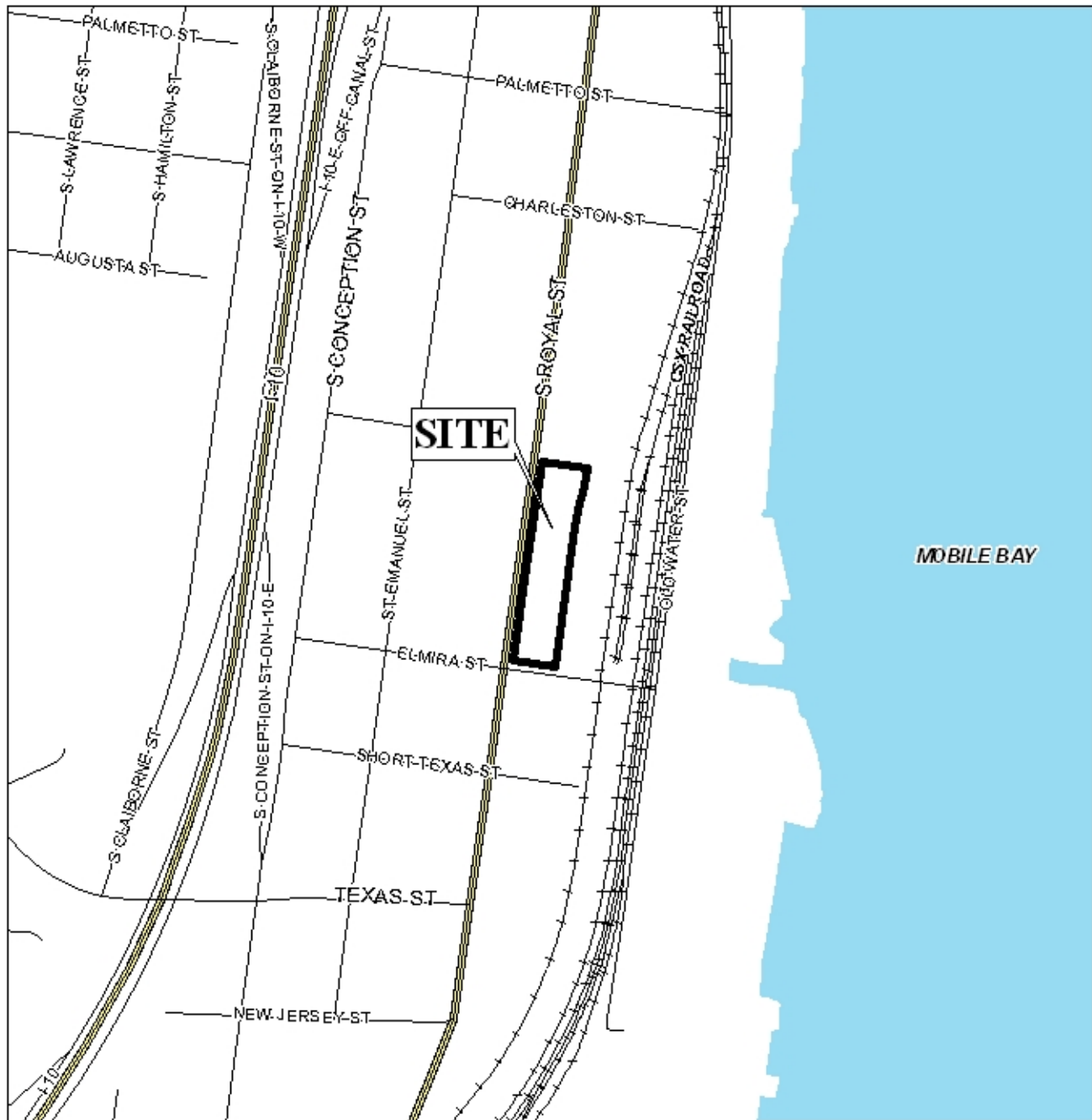
It should be noted that a zoning policy exists providing relief for I-2 zoning districts requiring landscape area and frontage trees only and perimeter trees are waived. The site has approximately 816.82 linear square feet of street frontage along South Royal and Elmira Street; thus, the applicant is required to provide a total of 27 overstory trees. It should be further noted that the site plan submitted illustrates 23 frontage trees along South Royal Street and there appears to be additional space along Elmira to plant the other 4 required trees.

The planting of trees and landscape areas on the site will require the removal of the existing concrete paving; however, this is not considered a hardship by staff. It should also be pointed out that the frontage trees could be clustered in groups, thereby improving the function of the site than as depicted on the submitted site plan. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5620**Date: June 7, 2010**

Based on the preceding, it is recommended that the applicant's request be denied.

LOCATOR



APPLICATION NUMBER 5620 DATE June 7, 2010

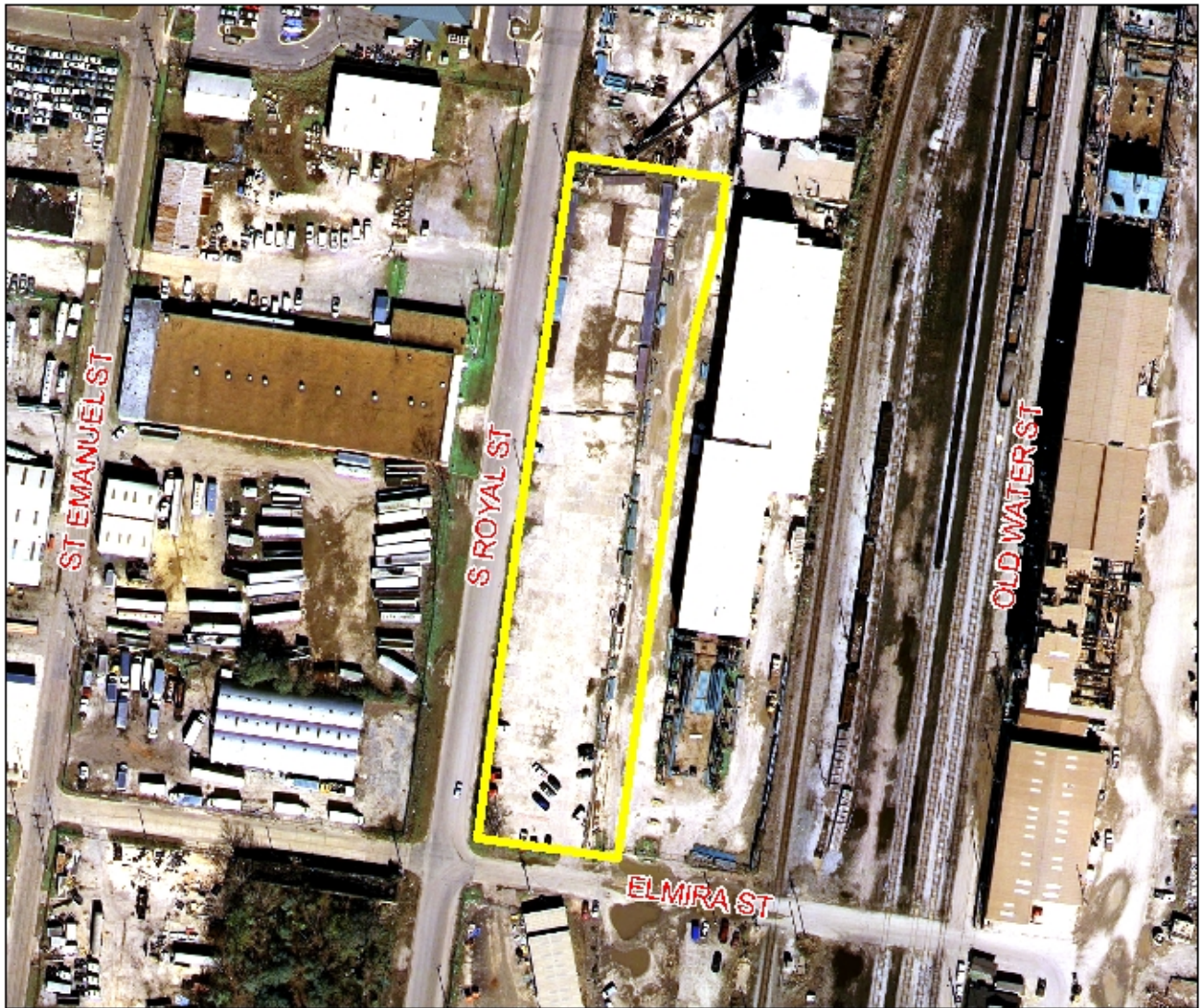
APPLICANT Signal Ship Repair, LLC

REQUEST Tree Planting & Landscape Variance



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use.

APPLICATION NUMBER 5620 DATE June 7, 2010

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REQUEST Tree Planting & Landscape Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial land use.

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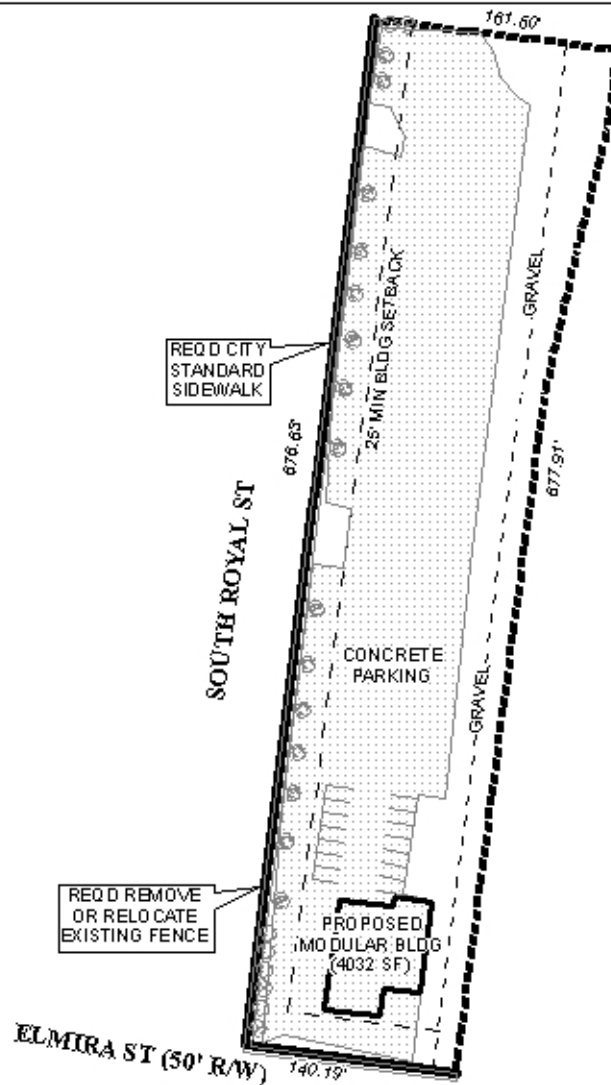
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LEGEND

															NTS
R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	



SITE PLAN



This site plan plan illustrates the existing lot configuration.
See detail site plan for sidewalk cross section.

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 NTS