

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 1, 2010**

<u>CASE NUMBER</u>	5639
<u>APPLICANT NAME</u>	Bishop Lane, LLC
<u>LOCATION</u>	702 Bishop Lane North (East side of Bishop Lane North, 200'+ South of Spring Hill Avenue)
<u>VARIANCE REQUEST</u>	OFF SITE PARKING: Location of twelve additional parking spaces off-site for an existing office complex in a B-1, Buffer Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	OFF SITE PARKING: The Zoning Ordinance requires all parking spaces must be on-site for businesses in a B-1, Buffer Business District.
<u>ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	8,196 square feet / 0.2 ± Acres / 1 parcel – Offsite Parking 34,941 square feet / 0.8 ± Acres / 2 lots – Office site
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting an Off-Site Parking Variance to allow twelve additional parking spaces off-site for an existing office complex in a B-1, Buffer Business District; the Zoning Ordinance requires all parking spaces be on-site for businesses in a B-1, Buffer Business District.

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 application to the Board of Zoning Adjustment is due to the fact that the applicants have been using the unimproved off-site location for parking for their employees. A compliant was filed, notifying the City of the illegal use of the property for parking.

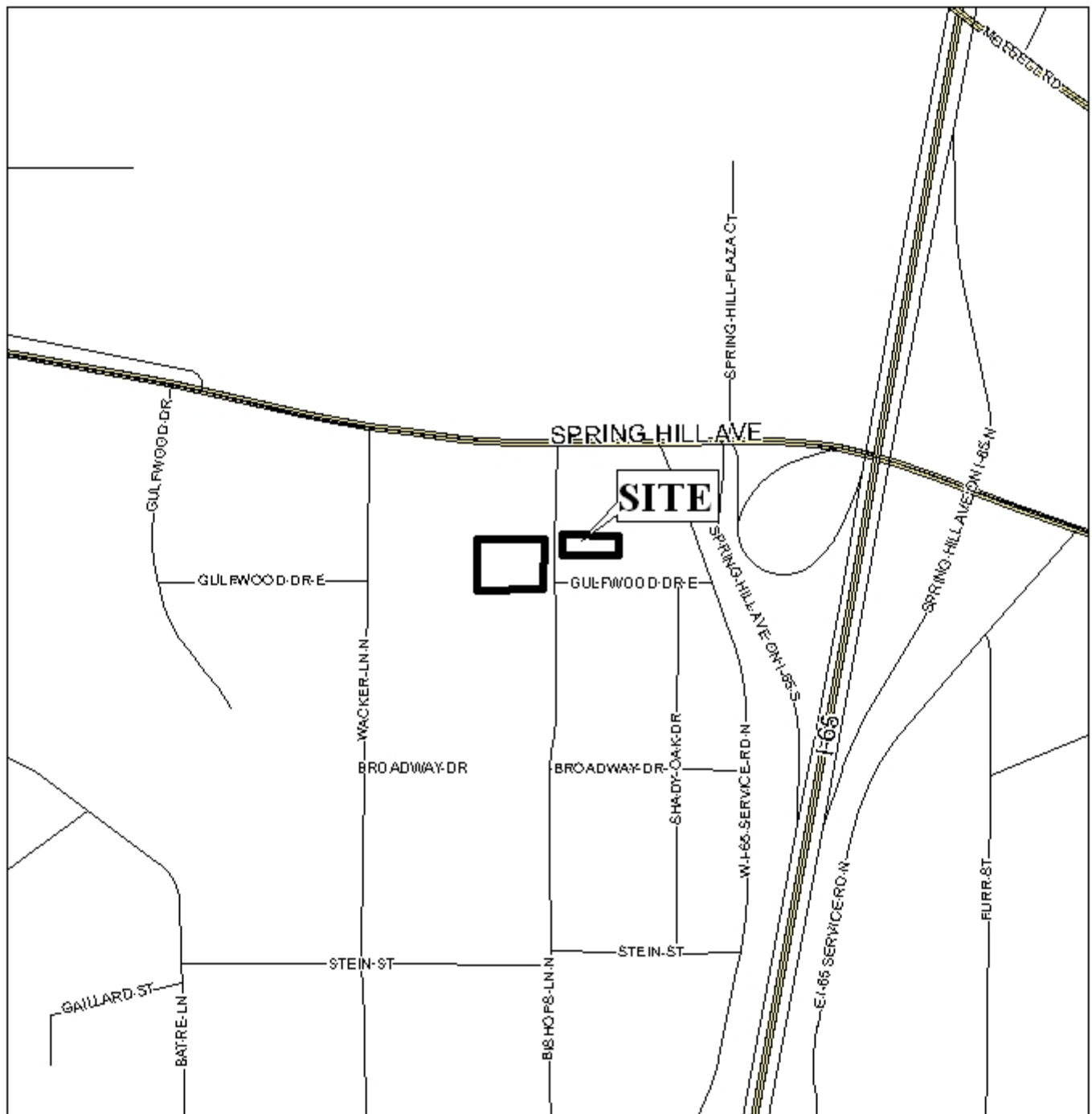
There is no room on the office complex site to expand parking, thus the applicant purchased the commercially-zoned vacant property across the street and began to use it for additional parking. As part of the variance application, the applicant proposes to improve the off-site location to include 12 paved parking spaces, trees and landscaping, to be in compliance with the commercial development requirements of the Zoning Ordinance.

The site is bounded to the South by a single-family residence in a residential district, and to the East, North and West commercial uses in commercial districts. Wooden privacy fences already exist along a majority of where the site abuts the residence, and along the North property line, however, it appears that the adjacent property owners have erected the fences, not the applicant. Therefore, the applicant should be prepared to provide a 6-foot high wooden privacy fence along the Southern boundary of the site if the existing fence is ever removed.

RECOMMENDATION: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) Provision of a 6-foot high wooden privacy fence along the Southern boundary of the site, except within 15-feet of the front property line, where it shall only be 3-feet in height, if the existing fence is ever removed; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP

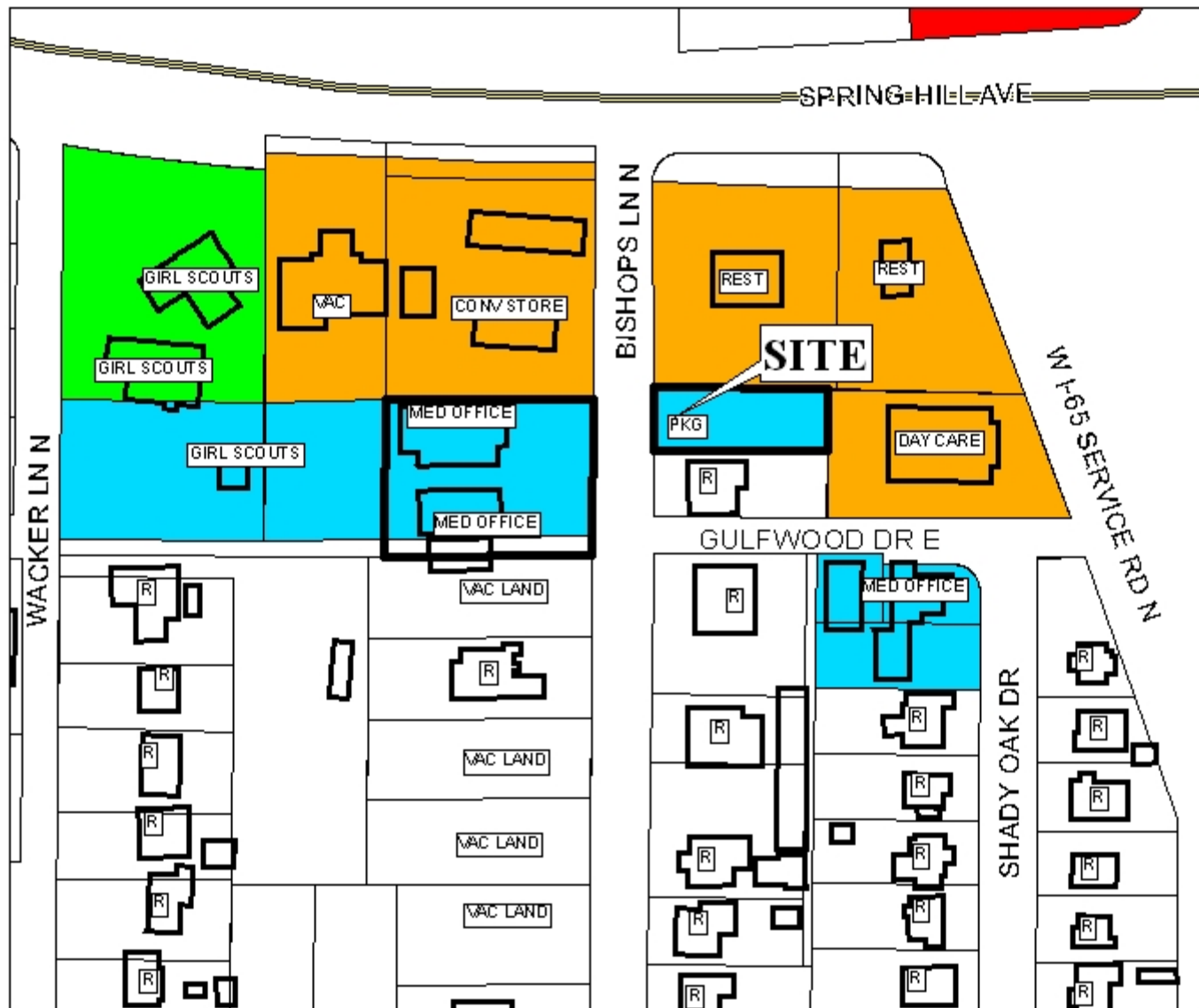


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REQUEST Off-Site Parking Variance



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VICINITY MAP - EXISTING ZONING



Commercial land use is located to the west, north, and east of the site.
Single-family residential units 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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

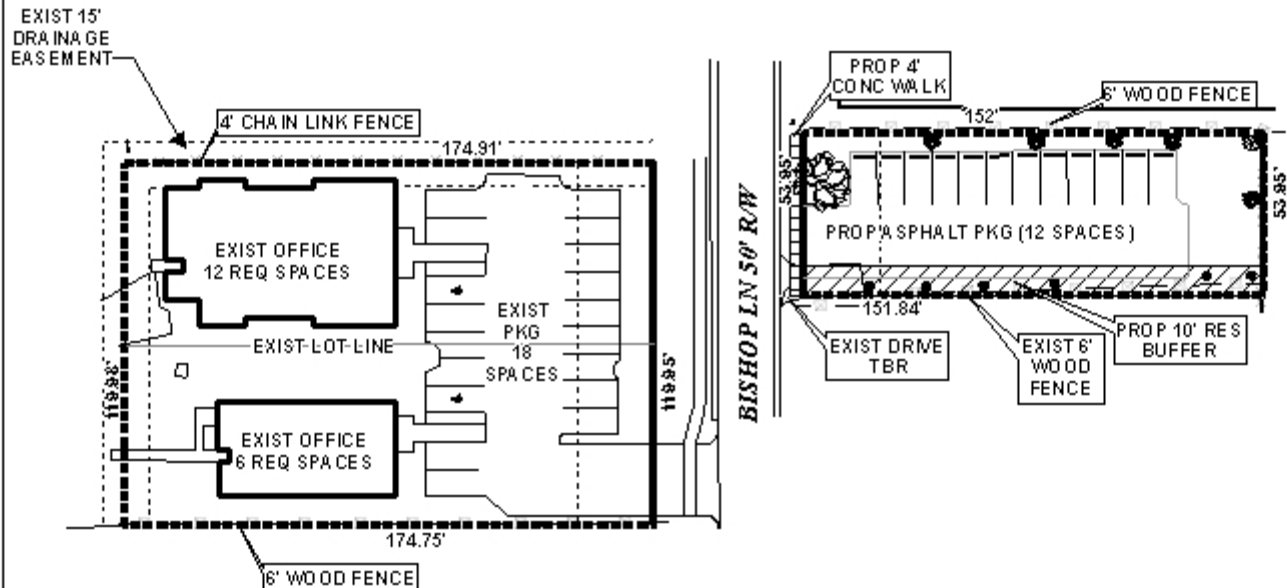


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SITE PLAN



The site plan illustrates the existing development and proposed off-site parking area.

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