

APPLICATION NUMBER

5577

A REQUEST FOR

**VEHICLE STACKING AND SIDE STREET YARD
SETBACK VARIANCES TO ALLOW NO QUEUING
SPACES FROM THE STREET RIGHT-OF-WAY AT AN
ENTRANCE GATE AND TO ALLOW THE
CONSTRUCTION OF AN ARBOR AND BALCONIES 2'
AND 17' RESPECTIVELY FROM THE SIDE STREET
PROPERTY LINE IN A B-2, NEIGHBORHOOD BUSINESS
DISTRICT; THE ZONING ORDINANCE REQUIRES A
MINIMUM OF THREE VEHICLE QUEUING SPACES
FROM THE STREET RIGHT-OF-WAY AT ENTRANCE
GATES AND A MINIMUM 25' SIDE STREET YARD
SETBACK IN A B-2, NEIGHBORHOOD BUSINESS.**

LOCATED AT

200 SOUTH FLORIDA STREET

(Southwest corner of South Florida Street and Ralston Road)

APPLICANT/OWNER

J.M., LLC

AGENT

LARRY JONES

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2009

The applicant is requesting Vehicle Stacking and Side Street Yard Setback Variances to allow no queuing spaces from the street right-of-way at an entrance gate and to allow the construction of an arbor and balconies 2' and 17' respectively from the side street property line in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of three vehicle queuing spaces from the street right-of-way at entrance gates and a minimum 25' side street yard setback in a B-2, Neighborhood Business District.

The building on the subject site was formerly the educational building of an adjacent church and is now proposed to be developed as a residential condominium project. The existing building is three stories high and a fourth story is planned. As part of the residential transformation, the applicant proposes parking lot entrance gates with no queuing spaces from the street right-of-way, and a trash receptacle and lawn equipment storage arbor at ground level and balconies on the second, third, and fourth floors encroaching into the required side street setback, hence this application.

The site plan indicates the entrance aisle gate located approximately 11' from the right-of-way line following dedication required by the subdivision for the site. As three queuing spaces at 17' deep each are required for vehicles waiting to enter the site, this would not allow any on-site queuing spaces. Even including the previous right-of-way would only allow for one queuing space. Vehicle queuing spaces are necessary to insure the protection of the public and community from potentially hazardous and adverse conditions and primarily to prevent vehicles from stacking into the public right-of-way and streets. Also, the site plan indicates that the exit aisle gate swings completely into the public right-of-way. As the site contains 32 parking spaces and 24 are required, the relinquishing of some parking spaces may alleviate this situation.

The applicant proposes to enclose the trash receptacles and lawn maintenance equipment within an 8' by 8' arbor 7' high within 2' of the side street (Ralston Road) property line. The arbor framework and fencing would be of wood with shrubbery and vines attached. Trash collection is proposed by private contract three times per week. The applicant states that due to the location of the existing building and parking requirements, the arbor must be placed in this location. Again, since extra parking is proposed, the relinquishing of one parking space would provide sufficient space for the arbor. Such a space could be provided meeting the 25' setback requirement utilizing the second proposed parking space along the East side of the building South of Ralston Road. Such a location would not only be setback compliant, but would also be located adjacent to the site's sidewalk system and could utilize the same proposed route to the public right-of-way for trash pick-up.

With regard to the setback request for the balconies, the applicant states that the balconies need to be part of the development and will add aesthetics to the surrounding area. It is stated that the existing building extends approximately 2' into the required setback and

that a covered porch extending 6' into the setback has already been removed. Inasmuch as setbacks are intended for the limiting of visibility obstruction, in this instance no structure other than the supporting balcony pipe columns will be installed within the visibility zone below approximately 9' above grade. Although balconies are not necessarily considered a necessity to apartments and condominiums, they do contribute to the opportunities for the residents' enjoyment and would, in this instance, lessen the starkness of an otherwise plain wall and would enhance the streetscape.

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.

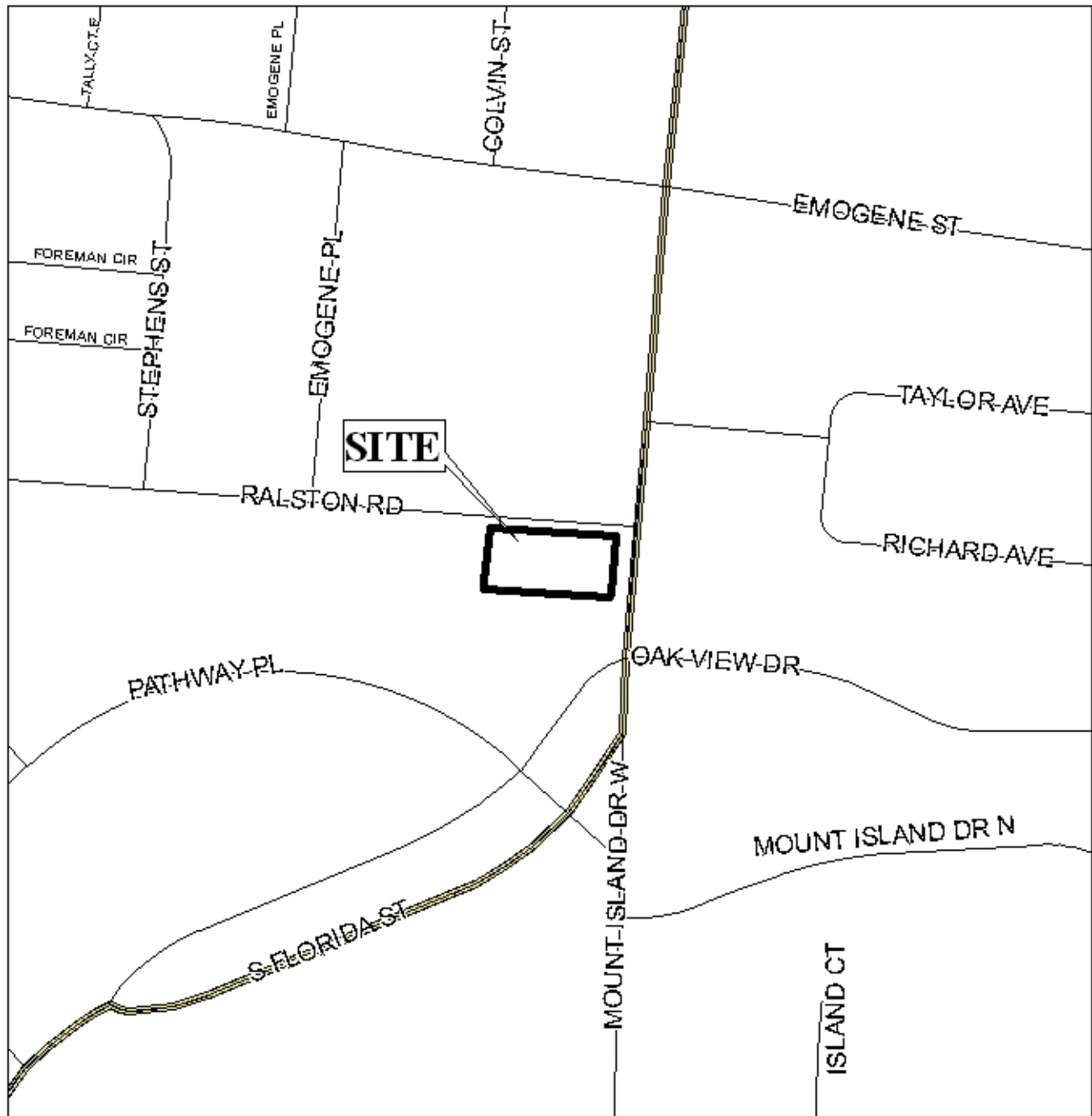
The applicant has failed to illustrate that a hardship exists relative to the Vehicle Stacking Variance request and the Side Street Yard Setback Variance request for the arbor. Any hardship would be considered self-imposed in that extra parking is proposed. With regard to the Side Street Yard Setback Variance request for the balconies, no hardship has been illustrated to be associated with the property. The applicant's assertion that the balconies need to be a part of the development do not signify a hardship, but rather a matter of aesthetics.

RECOMMENDATION 5577

Date: November 2, 2009

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



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REQUEST Vehicle Stacking, Side Street Yard Setback Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Multi-family residential units are located to the south of the site. Commercial sites are located to the north 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	NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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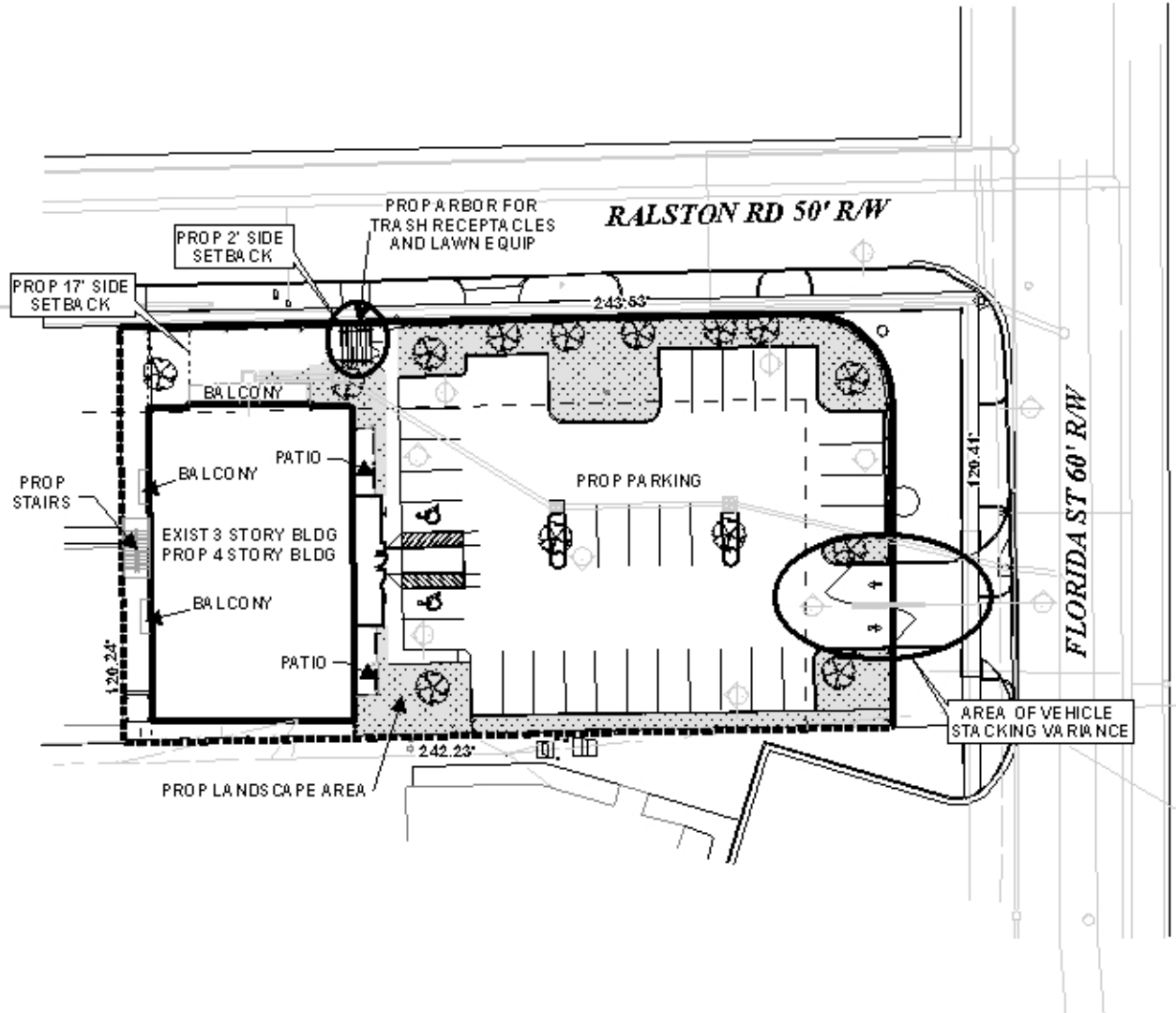
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NTS

SITE PLAN



The site plan illustrates the existing building with proposed story addition, stairs, balconies, and patios. A proposed arbor and proposed parking are also illustrated on the plan.

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BUILDING ELEVATION DETAIL



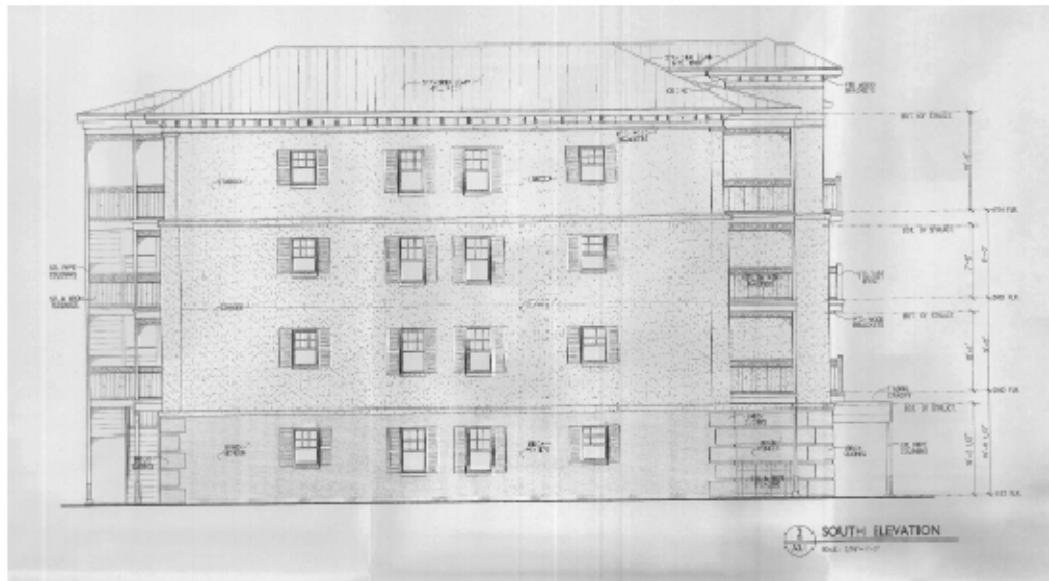
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