

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 6, 2014****CASE NUMBER**

5874

APPLICANT NAME

Don Williams

LOCATION

653 S. Conception Street
(East side of South Conception Street, 65' ± South of Elmira Street extending to the West side of St. Emanuel Street, 65 ± South of Elmira Street.)

VARIANCE REQUEST

PARKING RATIO: Parking Ratio Variance to allow 4 parking spaces for a 1,800 square foot office building in an I-1, Light Industry District.

ACCESS AND MANEUVERING: Access and Maneuvering Variances to allow an 8' access and 18' wide maneuvering .

**ZONING ORDINANCE
REQUIREMENT**

PARKING RATIO: The Zoning Ordinance requires 6 parking spaces for a 1,800 square foot office building in an I-1, Light Industrial District.

ACCESS AND MANEUVERING: The Zoning Ordinance requires a 24' access/ maneuvering drive and aisle.

ZONING

I-1, Light Industry District

AREA OF PROPERTY

9,875 Square Feet

**TRAFFIC ENGINEERING
COMMENTS**

Site maneuverability would be greatly improved with the removal or relocation of the storage building on the south side of the property. Also, two of the three parking spaces proposed under the carport are partially obstructed by the columns for the structure. Either provide additional information indicating the parking space widths at the columns, or adjust the variance request for only three spaces onsite.

**ENGINEERING
COMMENTS**

No Comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting Parking Ratio, and Access and Maneuvering Variances to allow a 1,800 square foot office building, with 4 parking spaces, and a 8' access drive and 18' maneuvering aisle in a I-1, Light Industry District; the Zoning Ordinance requires 6 compliant parking spaces for a 1, 800 square-foot office building and a 24' wide access and maneuvering aisle in a I-1, Light Industry District.

The applicant is proposing to allow a bail bondsman tenant to occupy a residential structure, which previously was occupied as a residence. The applicant states that,

“The site was used as a residence for many years, but has been vacant for the last several years. The site is zoned I-1. The owner desires to place a bail bondsman tenant into the existing residence with no building expansion. Because the site will be changed from residence to commercial for the first time, the City Land Use staff requires full commercial site compliance. We can comply with landscaping percentages and tree planting, but can not comply with number of on-site parking spaces and their maneuvering requirements. We will move forward on the project immediately. The site is extremely small for I-1 zoning standards. Street parking is readily available on S. Conception Street in front of our site.

Continued residential use in I-1 zoning should probably not be encouraged. Approval of our request will allow a small business to occupy a long-time vacant building. A bail bondsman is a perfect fit for this neighborhood.”

The applicant is correct in stating the house was once used as a residence for many years and that the City's Land Use staff will require full commercial compliance for the first time commercial use of this site. The building and site must be brought into full compliance to include (Americans with Disabilities Act) accessible parking, accessible ramps, and must comply with all other municipal codes and ordinances.

The applicant is proposing 4 on-site parking spaces in lieu of the 6 required spaces. Based on the site plan, it does not appear that the site will be able to adequately accommodate all 4 proposed parking spaces due to the existing free-standing carport shelter located to the rear of the property. It appears the existing free-standing carport shelter is 30' x 22' which would allow only 3 standard 9' x 18' parking spaces; however, there are three columns located on the corners of the carport which are not drawn to scale which makes it difficult to determine how much room will actually be available for the proposed 3 parking spaces. A revised site plan illustrating the width of the columns should be required to ensure the applicant is able to provide 4 on-site compliant parking spaces, or the applicant should revise his parking ratio variance request to 3 spaces.

In lieu of the required 24' access/ maneuvering drive and aisle the applicant is proposing an 8' wide driveway to the rear yard for one-way traffic and an 18' wide maneuvering area. It should be noted there appears to be an existing out-building for storage that is located directly behind one of the proposed parking spaces. Staff believes this will create maneuverability issues for the proposed site. Traffic Engineering has expressed concerns regarding the existing out-building as well and believes that the removal or relocation of the out-building will improve maneuverability.

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 site is only 52 feet wide and is already developed with a residential structure that is 40 feet wide, and only setback 20 feet from the front property line. The site may be able to accommodate 2 more additional parking spaces in the front yard, but only at the expense of the existing front landscaping area. It also appears that 5 parking spaces plus an accessible aisle might be possible if the carport and storage sheds were removed, and 5 parking spaces were arranged facing East: this would not require the loss of any front landscape area and would only require variance relief for one parking space.

The site requires a total of 1,185 square feet of landscape area, with 711 square feet of front yard landscaping apportioned along both street frontages. The applicant has provided 4,000 square feet of total site landscaping and plans to provide 3,800 square feet of front yard landscaping. A total of 3 overstory frontage trees are required. The applicant is proposing 3 heritage trees, thus no additional trees shall be required.

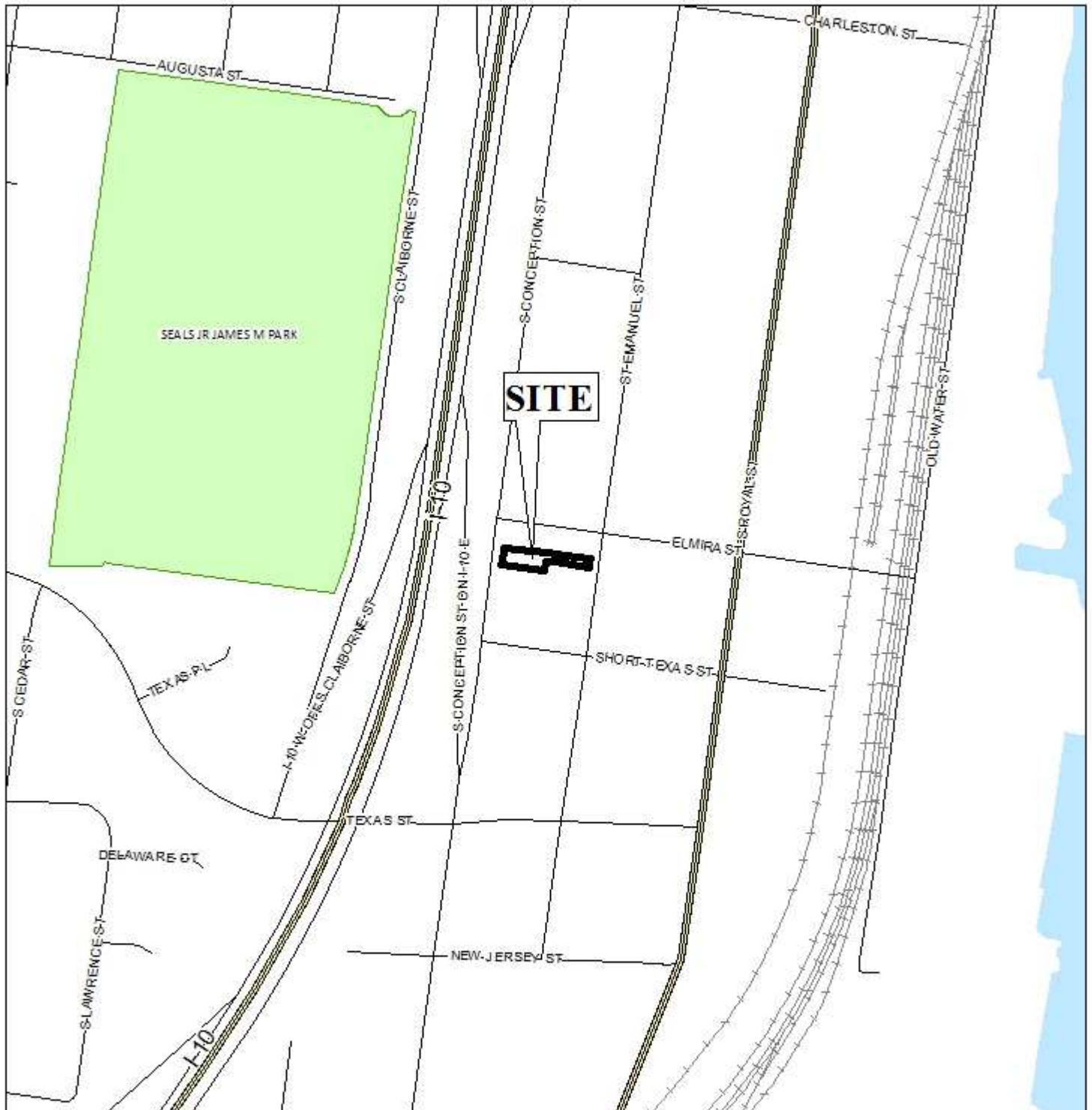
It should be noted there is no dumpster illustrated on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to either illustrate a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or place a note stating that curbside service will be utilized.

RECOMMENDATION: Based on the preceding, this application is recommended for Holdover until the February 3, 2014 meeting to address the following:

- 1) revision of the site plan to remove or relocate the existing out-building used for storage;
- 2) revision of the site plan to illustrating the width of the columns on the free-standing carport to ensure the applicant is able to provide 4 on-site compliant parking spaces;

- 3) alternatively, redesign the parking to provide 5 parking spaces facing East, showing removal of the existing carport and storage sheds;
- 4) revision of the site plan to indicate compliance with Section 64-4.D.9. of the Zoning Ordinance, regarding dumpsters.

LOCATOR MAP



APPLICATION NUMBER 5874 DATE January 6, 2013

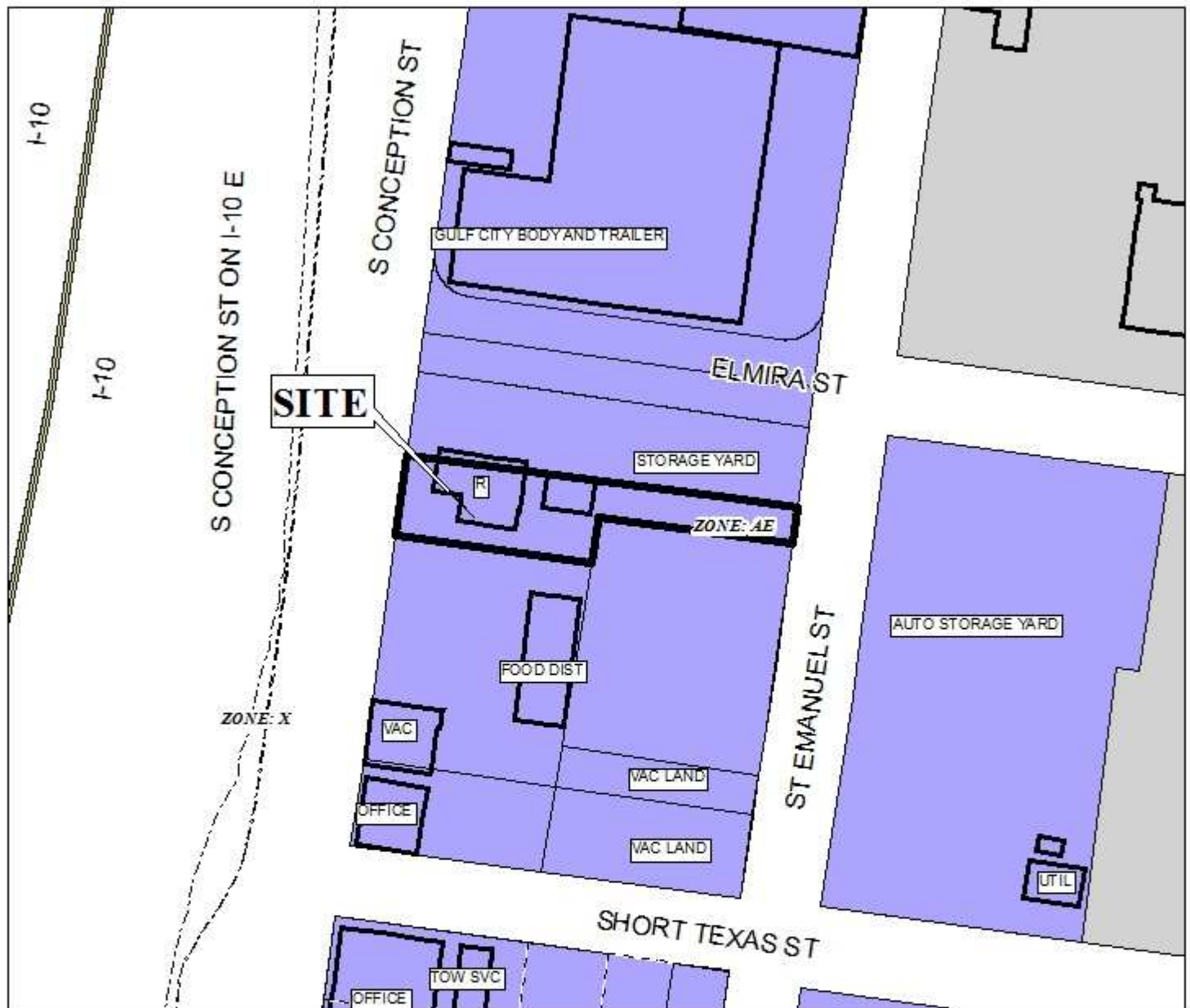
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REQUEST Parking Ratio and Access/Maneuvering Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by business land use units.

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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

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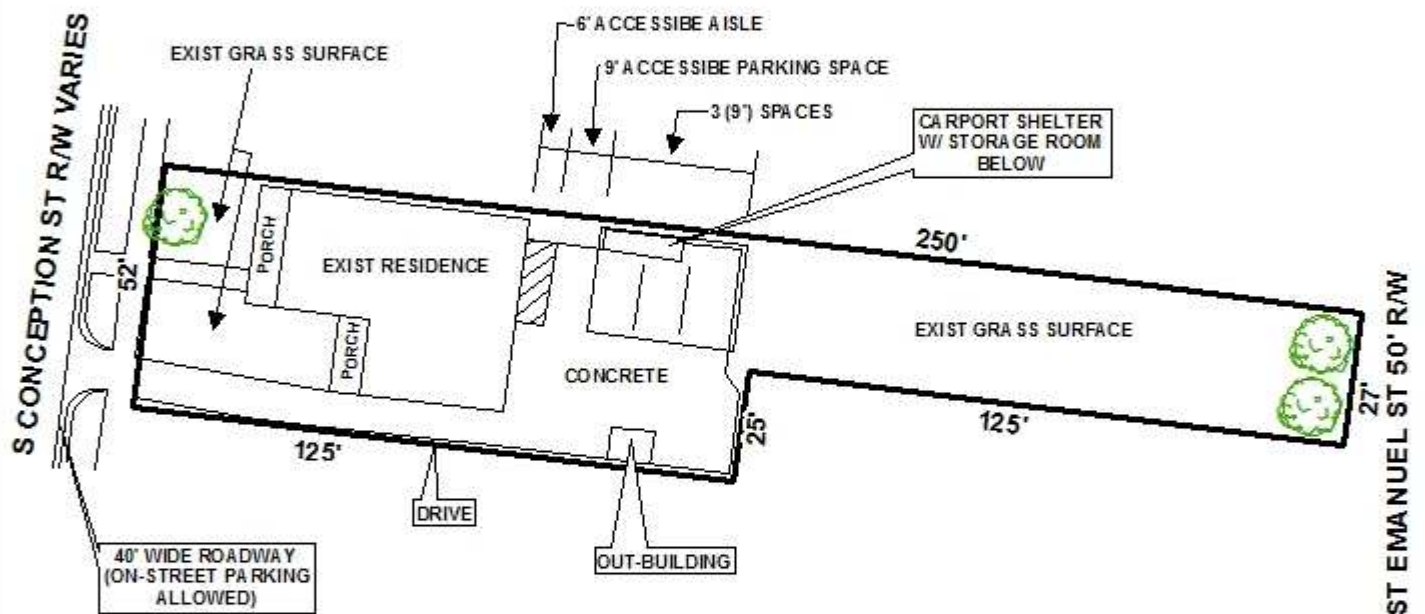
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SITE PLAN



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