

APPLICATION NUMBER

5616

A REQUEST FOR

**PARKING SURFACE AND OFF-SITE PARKING
VARIANCES TO ALLOW GRASS PARKING ON-SITE IN A
B-1, BUFFER BUSINESS DISTRICT, AND EXPANDED
OFF-SITE PARKING IN A B-3, COMMUNITY BUSINESS
DISTRICT, FOR AN EXISTING CHURCH; THE ZONING
ORDINANCE REQUIRES PARKING SURFACES TO BE
ASPHALT, CONCRETE, OR AN APPROVED
ALTERNATIVE PAVING SURFACE IN A B-1, BUFFER
BUSINESS DISTRICT; AND NONCONFORMING OFF-
SITE PARKING EXPANION IS NOT ALLOWED IN A B-3,
COMMUNITY BUSINESS DISTRICT.**

LOCATED AT

2257 ST. STEPHENS ROAD

(West side of St. Stephens Road, extending from Vetter Street to Allison Street, and
Northeast corner of St. Stephens Road and Dickens Avenue)

APPLICANT/OWNER

APOSTOLIC OVERCOMING HOLY CHURCH OF GOD

BOARD OF ZONING ADJUSTMENT

MAY 2010

The applicant is requesting Parking Surface and Off-Site Parking Variances to allow grass parking on-site in a B-1, Buffer Business District, and expanded off-site parking in a B-3, Community Business District, for an existing church; the Zoning Ordinance requires parking surfaces to be asphalt, concrete, or an approved alternative paving surface in a B-1, Buffer Business District, and nonconforming off-site parking expansion is not allowed in a B-3, Community Business District.

The main church site was the subject of a one-lot Subdivision, Rezoning, and Administrative Planned Unit Development in 2001, and the off-site parking lot is the subject of a one-lot Subdivision and Planned Unit Development, to be heard at the May 6th Planning Commission meeting. The PUD is to allow the off-site parking, and this Variance request addresses the expansion of the off-site parking and the grass parking on the main church lot. The applicant proposes to build a multi-purpose building adjacent to the sanctuary which would result in the displacement of some of the required on-site parking.

To relieve the reduction in the on-site parking which would be caused by the location of the multi-purpose building, the applicant proposes to utilize an existing grass playground area at the West end of the existing paved parking area along the South side of Allison Street as an overflow area and proposes to expand the existing paved parking area across St. Stephens Road. However, the site plan indicates that both areas would serve to suffice the minimum required parking spaces and the grass parking would not be a true overflow parking area. By the occupancy table provided, 229 parking spaces are required, and the site plan indicates 230 total parking spaces proposed, only one more than required.

Traffic Engineering has conducted a review of the proposed parking plan for the main site and has concluded that two of the existing parking spaces at the entrance to the proposed grass parking area would be unusable, and two of the proposed parking spaces on the grass at the entrance would be unusable due to access restriction, and the two Eastern-most grass parking spaces in the center rows would be unusable due to access/maneuvering issues. Also, the five proposed parallel parking spaces at the South end of the proposed building do not meet the length requirements for parallel parking and the drive aisle space beside them is only approximately 10'. The proposed new entrance on St. Stephens Road just North of Vetter Street will not be approved by Traffic Engineering due to its proximity to the corner. With the eleven parking spaces not approved by Traffic Engineering, the required parking would be short by nine spaces, considering the one extra space indicated on the site plan.

In similar cases where churches have requested parking surface variances, such have been granted approval on a temporary basis during expansion projects. However, in this

case, the use is apparently to be permanent, as no mention is made of future plans to pave the area. No hardship has been presented associated with the request.

The landscaping plan submitted for the off-site parking area indicates only under-story trees proposed. In similar cases, off-site parking areas have been required to provide full compliance with the landscaping and tree planting requirements of the Zoning Ordinance. As this is a corner site, over-story trees would be required along both St. Stephens Road and Dickens Avenue and sufficient area does not appear to be provided for such. There are no landscaping/tree planting calculations furnished for the off-site parking area.

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 failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship with respect to providing paved parking and it appears that the proposed church expansion may over-build the site with respect to its vehicle parking and maneuvering capabilities. Even if the grass parking were allowed, substantial modifications to the site plan would be required to satisfy Traffic Engineering concerns on the main site.

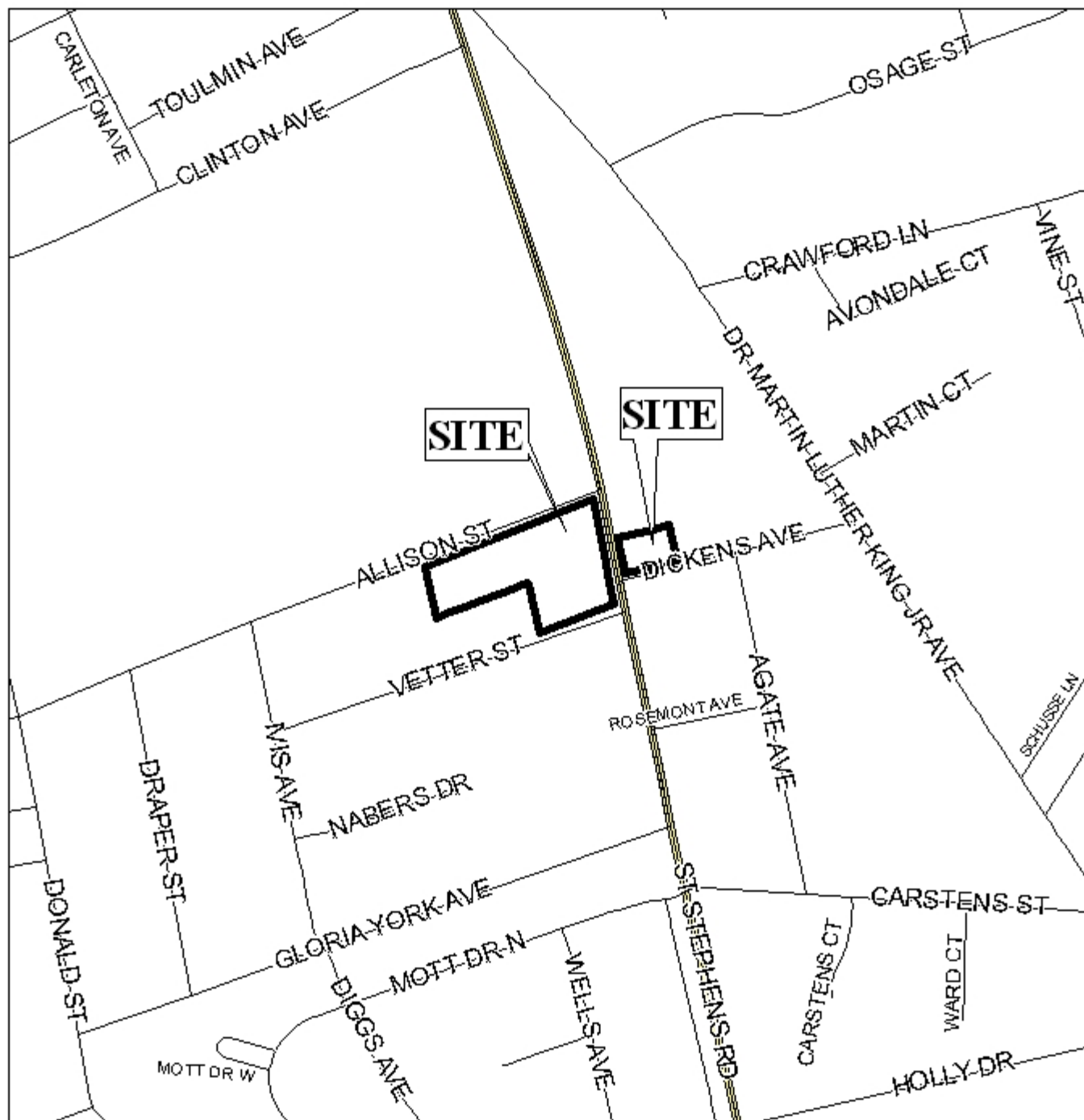
Regarding the off-site parking area, located across St. Stephens Road (a proposed major street) from the site, it is staff's opinion that the site would be over-developed in that there would be substandard allowances for landscaping and tree planting ratios. Furthermore, staff would not want to encourage additional pedestrian traffic across a major street such as St. Stephens Road, without appropriate pedestrian facilities such as sidewalks and crosswalks.

As other churches have been required to meet the on-site parking surface and off-site landscaping/tree planting requirements for permanent parking areas, it would stand that such requirements would be appropriate in this case.

RECOMMENDATION 5616**Date: May 3, 2010**

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

LOCATOR MAP



APPLICATION NUMBER 5616 DATE May 3, 2010

APPLICANT Apostolic Overcoming Holy Church of God

REQUEST Parking Surface and Off-Site Parking Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single family residential units are located to the west of the site, 3rd precinct police department is to the north, commercial land use is to the east, and a church is to the south.

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LEGEND NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

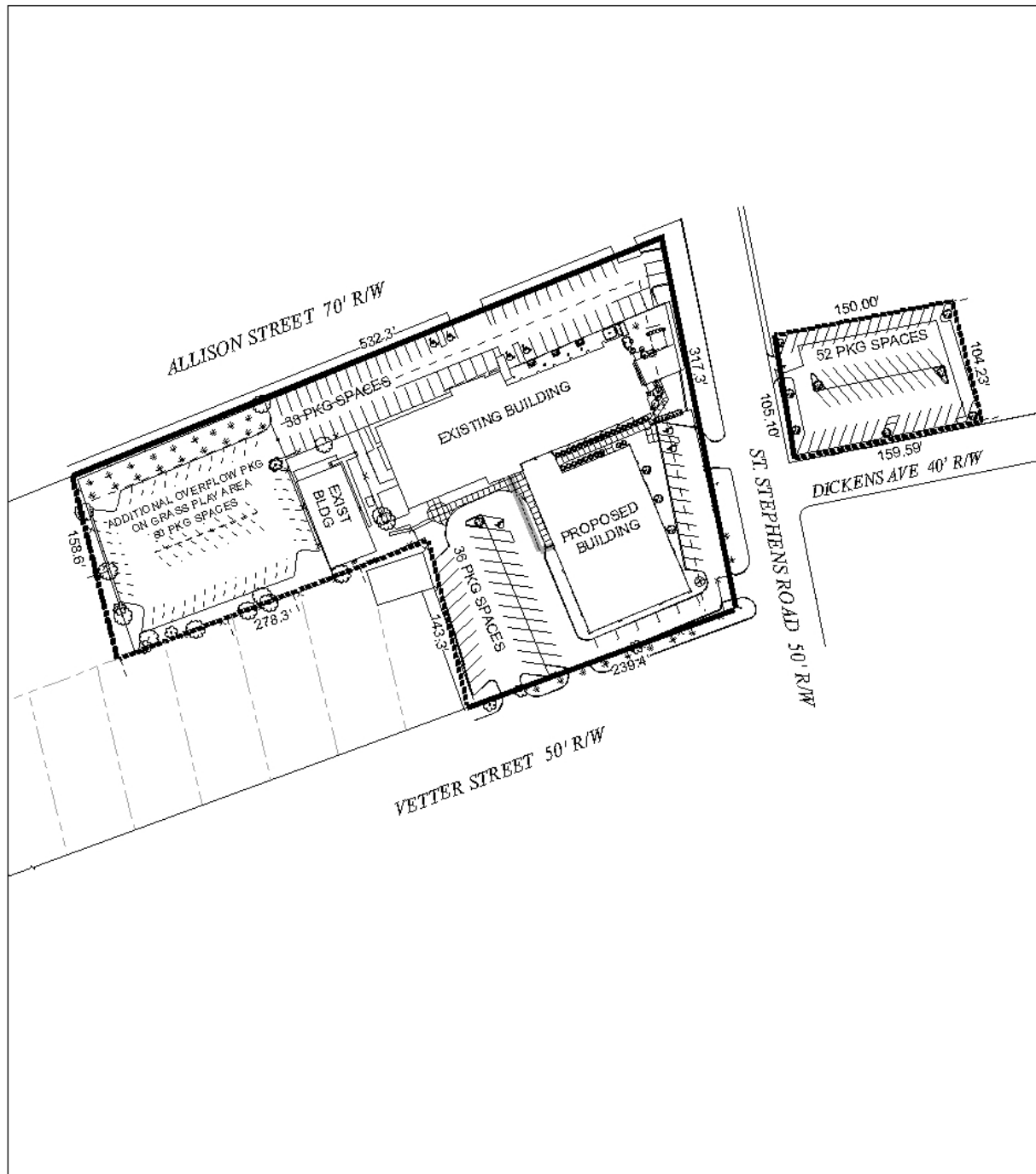


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SITE PLAN



The site plan illustrates existing and proposed parking and buildings.

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