

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

5875

**APPLICANT NAME**

Thomas Properties

**LOCATION**720 Schillinger Road South  
(Southwest corner of Schillinger Road South and Old  
Government Street).**VARIANCE REQUEST****PARKING RATIO:** Parking Ratio Variance to allow 110 parking spaces for a 19,580 square-foot multi-tenant retail and restaurant development in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****PARKING RATIO:** The Zoning Ordinance requires 111 parking spaces for the retail and restaurant development in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1.9± Acres

**TRAFFIC ENGINEERING****COMMENTS**

I understand that this application has been withdrawn, as the one additional parking space has been created in the southwest portion of the lot, pending an administration PUD approval.

**ENGINEERING****COMMENTS**

No Comments

**CITY COUNCIL****DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Parking Ratio Variance to allow 110 parking spaces for a 19,580 square-foot multi-tenant retail and restaurant development in a B-3, Community Business District; the Zoning Ordinance requires 111 parking spaces for the retail and restaurant development in a B-3, Community Business District.

The subject site has had two Administrative Planned Unit Developments approved previously, to allow shared access through an adjacent lot, and to revise the site plan to include additional parking. The applicant also has recently submitted a new Administrative Planned Unit

Development application for the subject site which illustrates the additional parking space that this application seeks to request relief from.

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.

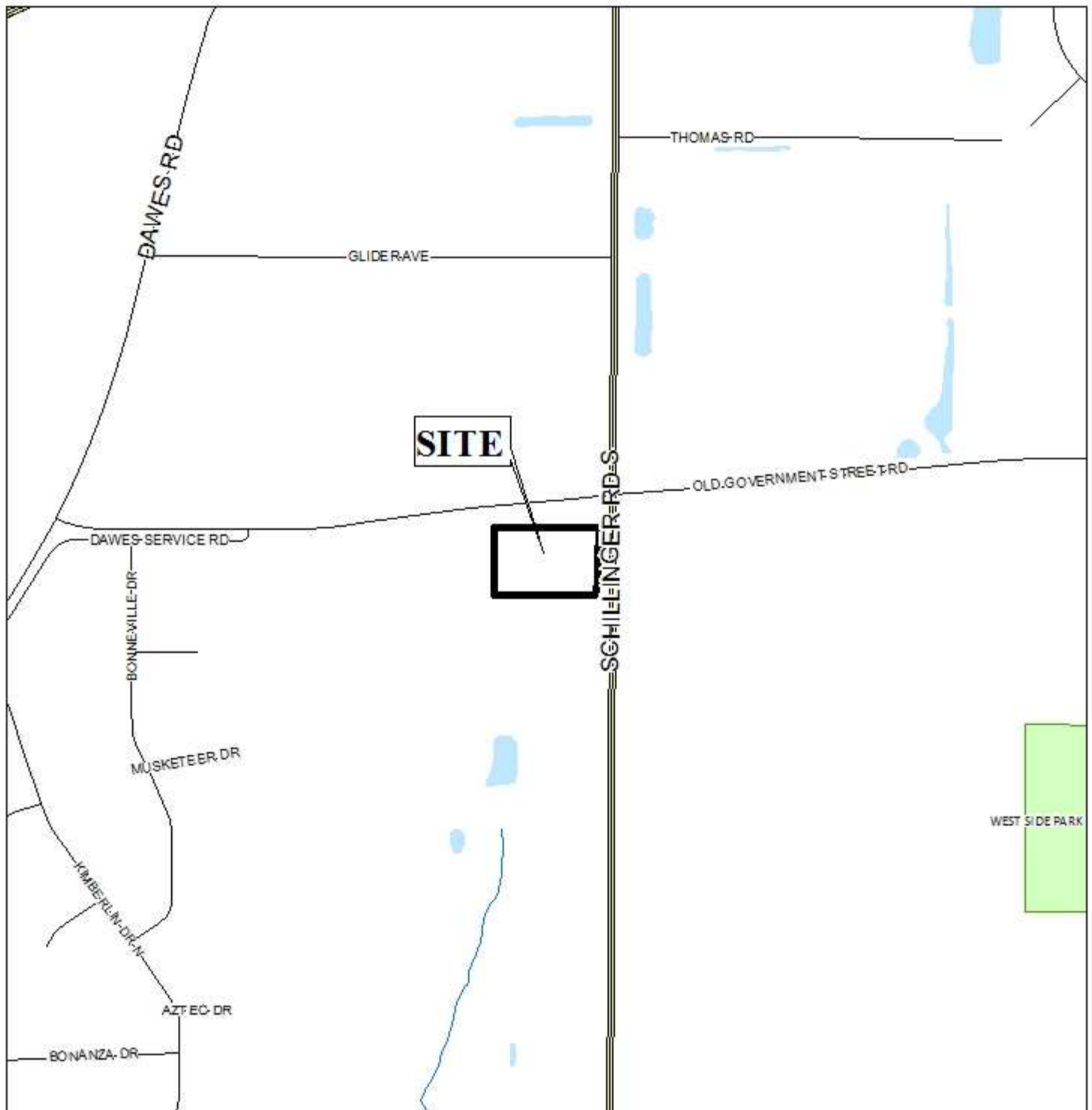
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The fact that the applicant has submitted an Administrative Planned Unit Development application which illustrates 111 parking spaces, and the applicant states that the site does not have the space to provide 111 parking spaces seems to be contradictory. Furthermore, because the site plan has had Administrative Planned Unit Developments previously, a reduction in the parking ratio would be required to be approved by the Planning Commission.

**RECOMMENDATION:**  
for denial.

Based on the preceding, this application is recommended

# LOCATOR MAP



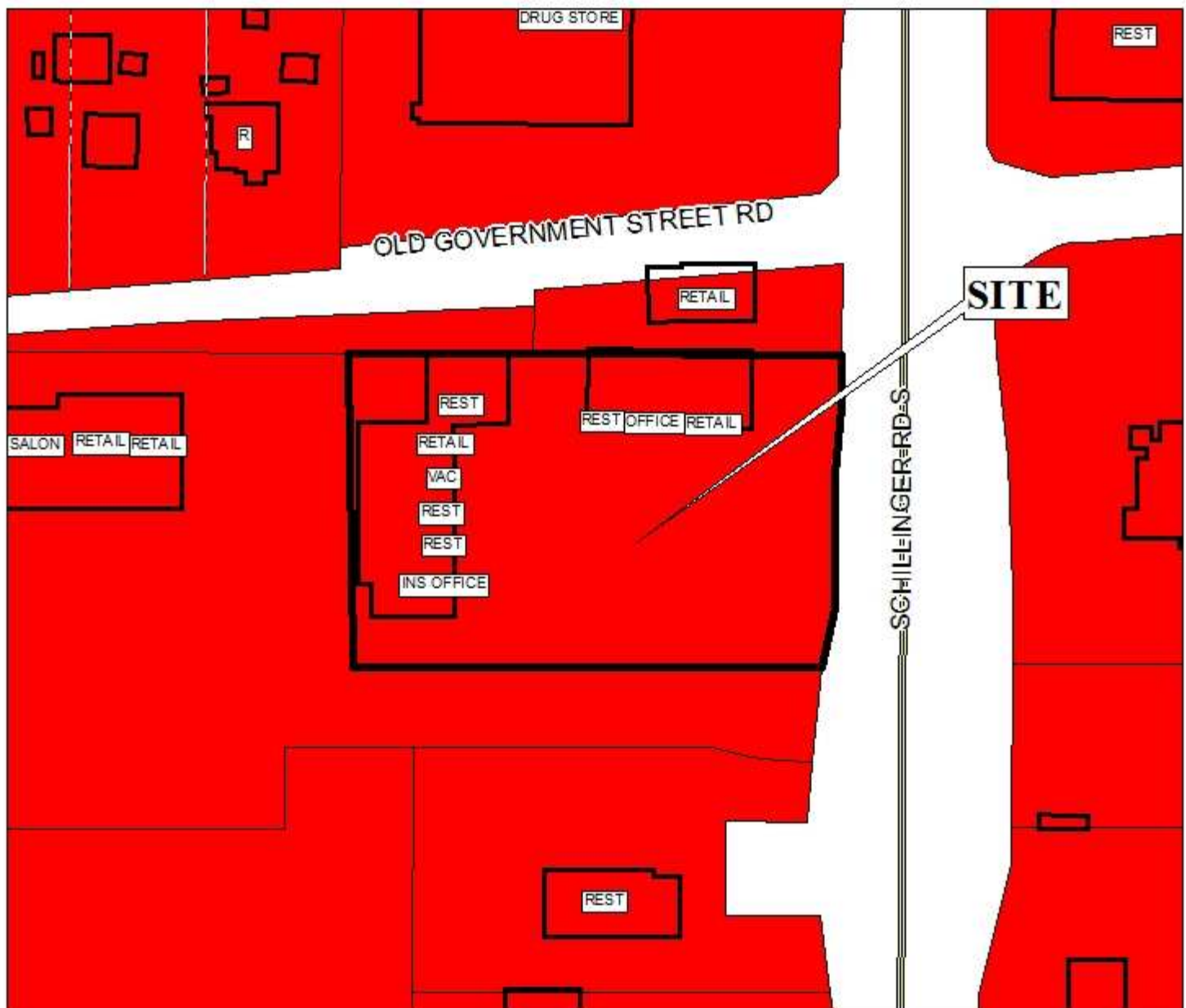
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APPLICANT Thomas Properties

REQUEST Parking Ratio Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



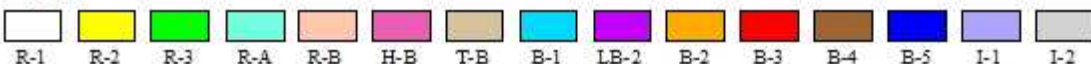
The site is surrounded by commercial land use units.

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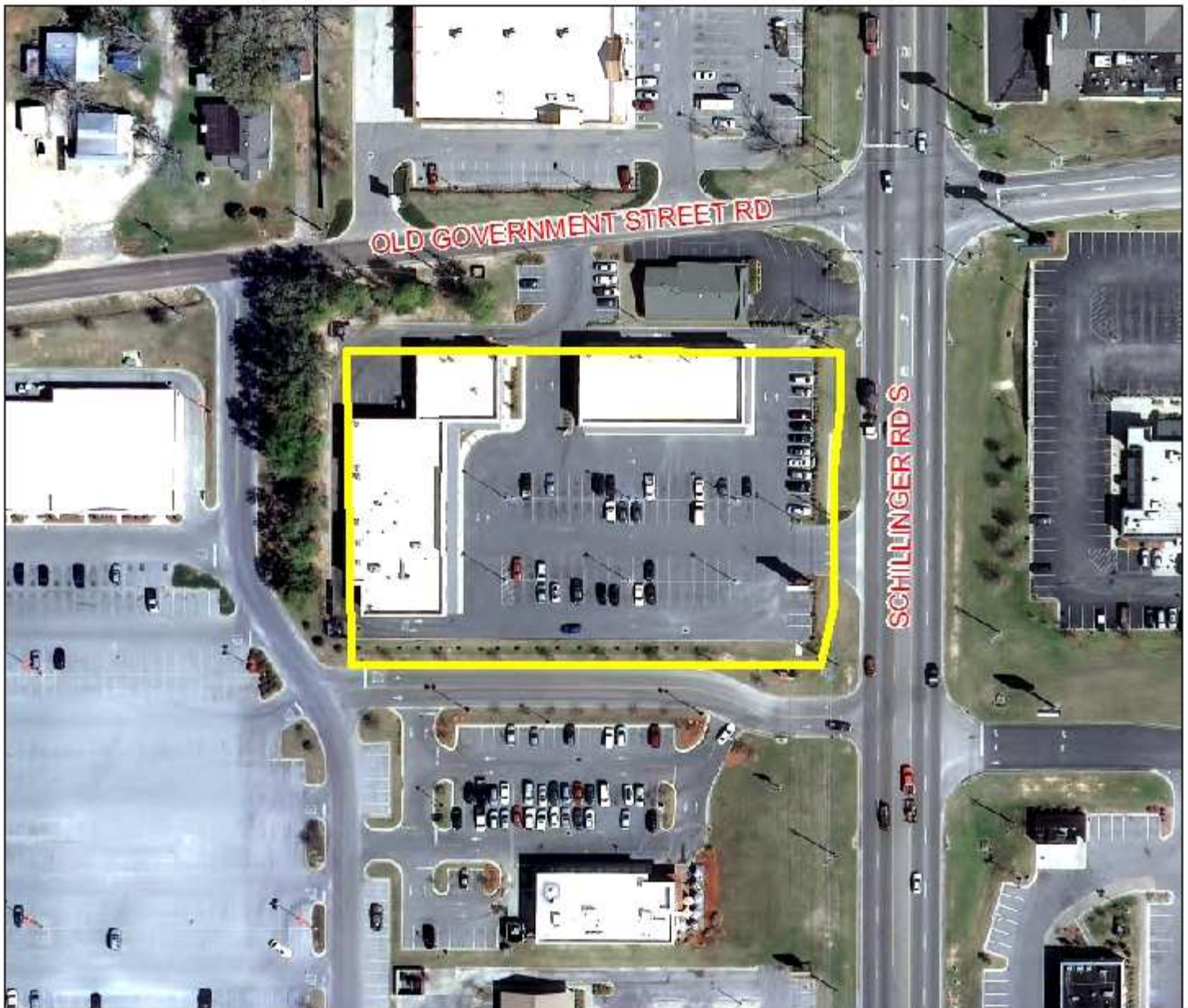
REQUEST Parking Ratio Variance

LEGEND





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use units.

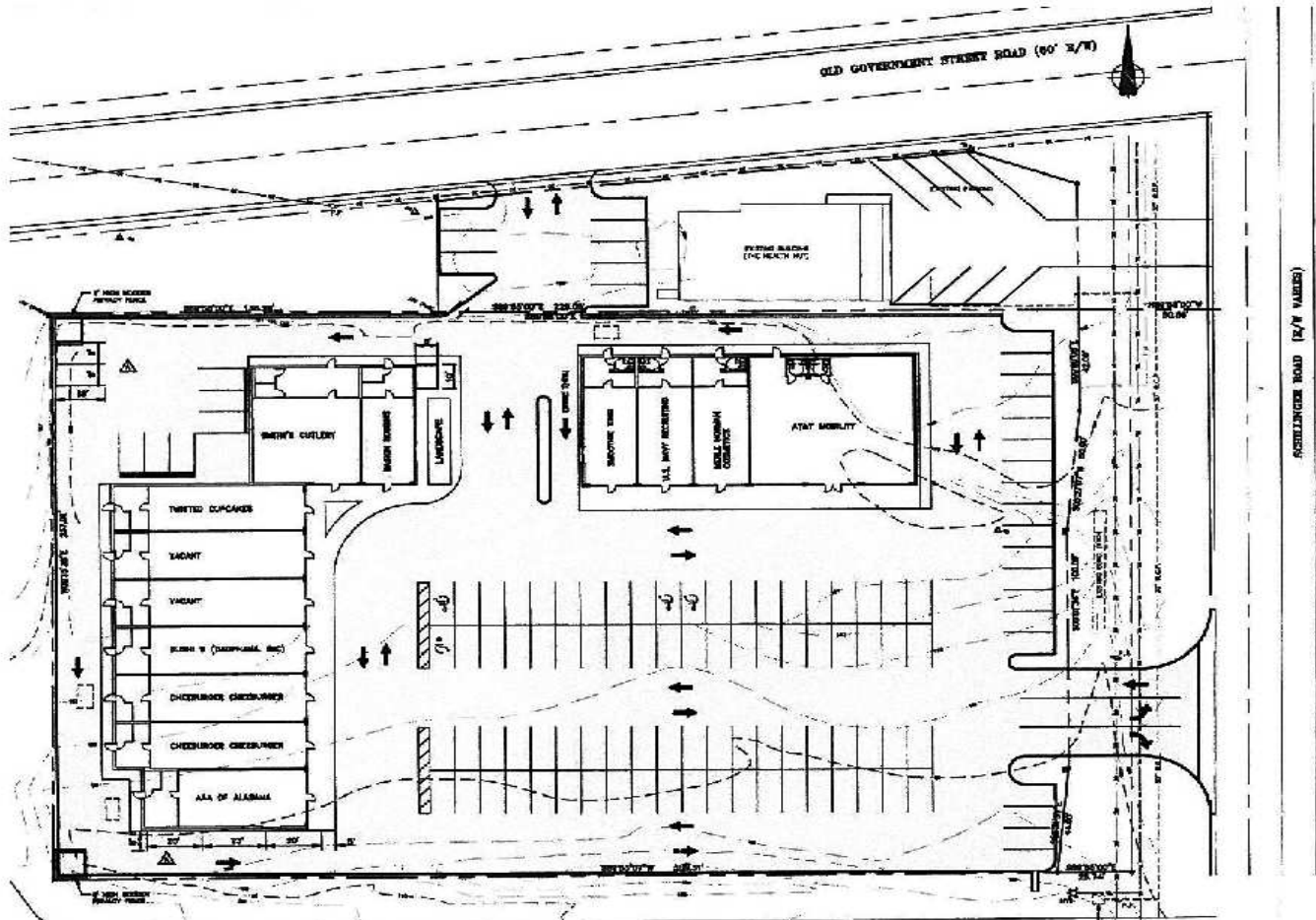
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REQUEST Parking Ratio Variance



# SITE PLAN



The site plan illustrates the existing buildings, and parking.

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REQUEST Parking Ratio Variance



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