

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: August 6, 2012****CASE NUMBER**

5768

**APPLICANT NAME**

Olensky's, Inc. (Ben Cummings, Agent)

**LOCATION**

7156 Airport Boulevard  
(Northwest corner of Airport Boulevard and Park Avenue  
North, extending to the Southwest corner of Dickens Ferry  
Road and Park Avenue North)

**VARIANCE REQUEST**

**PARKING RATIO:** To allow 171 on-site parking spaces  
for a multi-tenant commercial site with a proposed  
restaurant in a B-3, Community Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**PARKING RATIO:** The Zoning Ordinance requires 219  
on-site parking spaces for this site, with a restaurant, in a  
B-3, Community Business District.

**ZONING**

B-3, Commercial Business District

**AREA OF PROPERTY**

4.2± Acres

**ENGINEERING  
COMMENTS**

Engineering Department does not object to the requested  
variance; however, we do request that the owner looks at installing some curb and/or a drainage  
system to reduce the amount of surface runoff from the entire parking lot draining directly onto  
Airport Boulevard.

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**FIRE DEPARTMENT  
COMMENTS**

No comments

**CITY COUNCIL  
DISTRICT**

District 1

**ANALYSIS**

Parking Ratio Variance to allow 171 on-site parking spaces  
for a multi-tenant commercial site with a proposed restaurant in a B-3, Community Business  
District; the Zoning Ordinance requires 219 on-site parking spaces for this site, with a restaurant,  
in a B-3, Community Business District.

The applicant proposes to change the occupancy of an existing (3,431 square foot) retail tenant space to a restaurant use. Therefore the parking requirement for this tenant space increases from (12 spaces) one space per 300 square feet to (35 spaces) one space per 100 square feet.

Two separate buildings are located on the site, one building, a two-tenant building consist of a convenience store and a seafood market with approximately 3,668 square feet, requiring 13 parking spaces. The second building, which encompasses the majority of the site and requires most of the parking consists of eleven (11) tenant spaces, with a total of 52,829 square feet (176 spaces), several of the tenant spaces are furniture stores; therefore, have substantial storage area that is not included in the square footage. However, the Zoning Ordinance allows this space to be calculated separate from the retail space and is required one space per three warehouse employees.

The site was annexed into the city around 2008; and therefore, a non-conforming site. If the same use was maintained for each tenant space with no vacancy within two years the site would remain non-conforming. However, the applicant proposes to change the use of a 3,431 square foot tenant space from retail to restaurant use, thereby tripling the parking requirement for that type of space.

The minimum number of total parking spaces required to allow the change in use is 219 parking spaces; however, the site plan indicates only 171 spaces provided. It should be noted that the maneuvering for twelve parking spaces along Airport Boulevard would be within the right-of-way and would need to be removed from the parking lot. This would further reduce parking provided to 159 spaces available, 60 spaces short of the required number of spaces required.

The applicant did not submit a detailed tenant space plan, nor any detailed information about the hours of operation of the restaurant.

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.

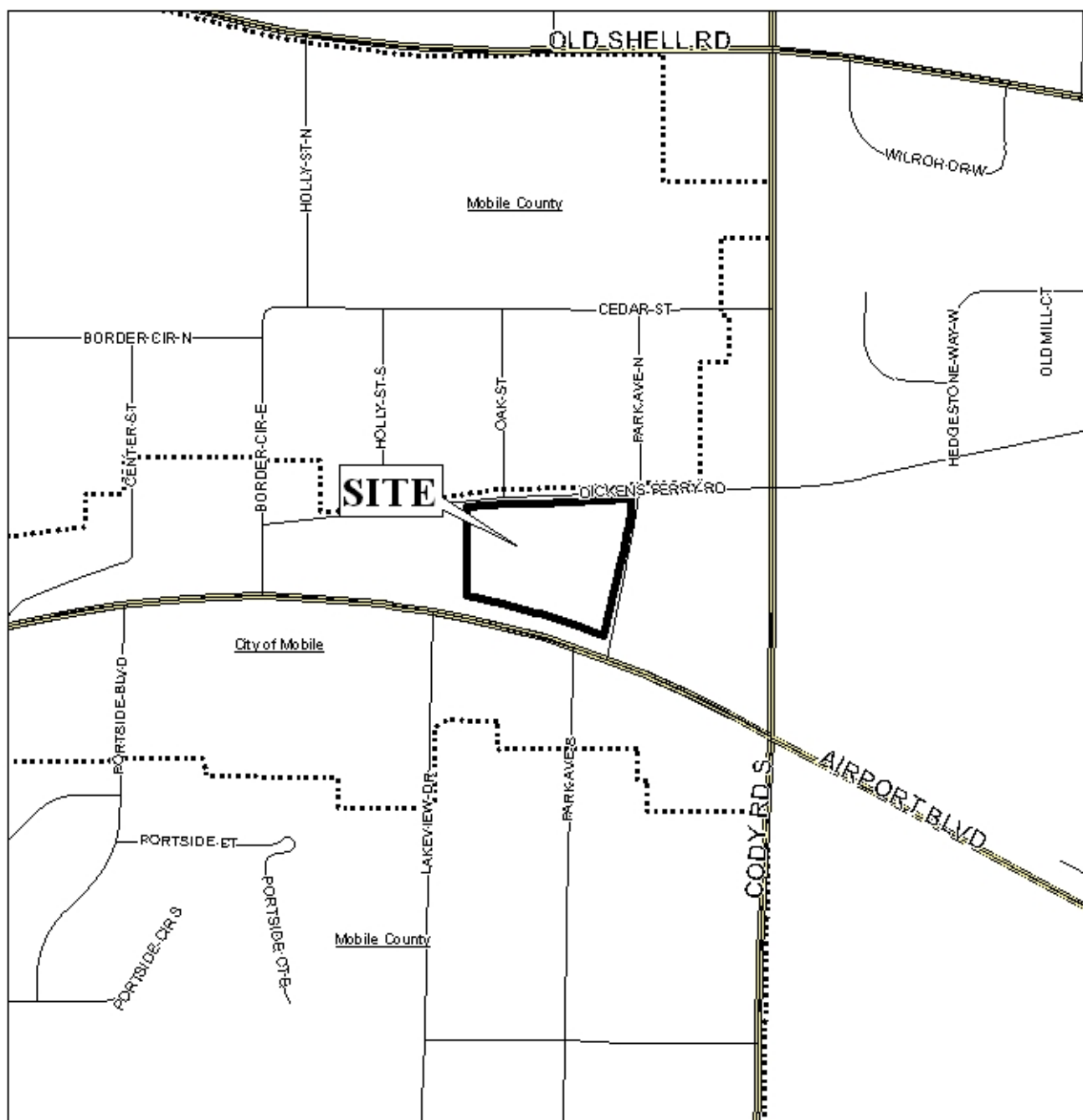
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship. However, the hardship mentioned in the narrative, and any hardship implied to be imposed when the building was constructed and its subsequent location in county would be self-imposed by the property owner. Furthermore, the approval of the request in this case would put undue pressure on the parking situation within this shopping center.

**RECOMMENDATION:** Based on the preceding, the Parking Ratio Variance request is recommended for denial based the following reasons:

- 1) the site is insufficient to provide the number of parking spaces required; and
- 2) the applicant failed to illustrate that the request is due to unusual characteristics of the property and that is stratifies the variance standards.

## LOCATOR MAP



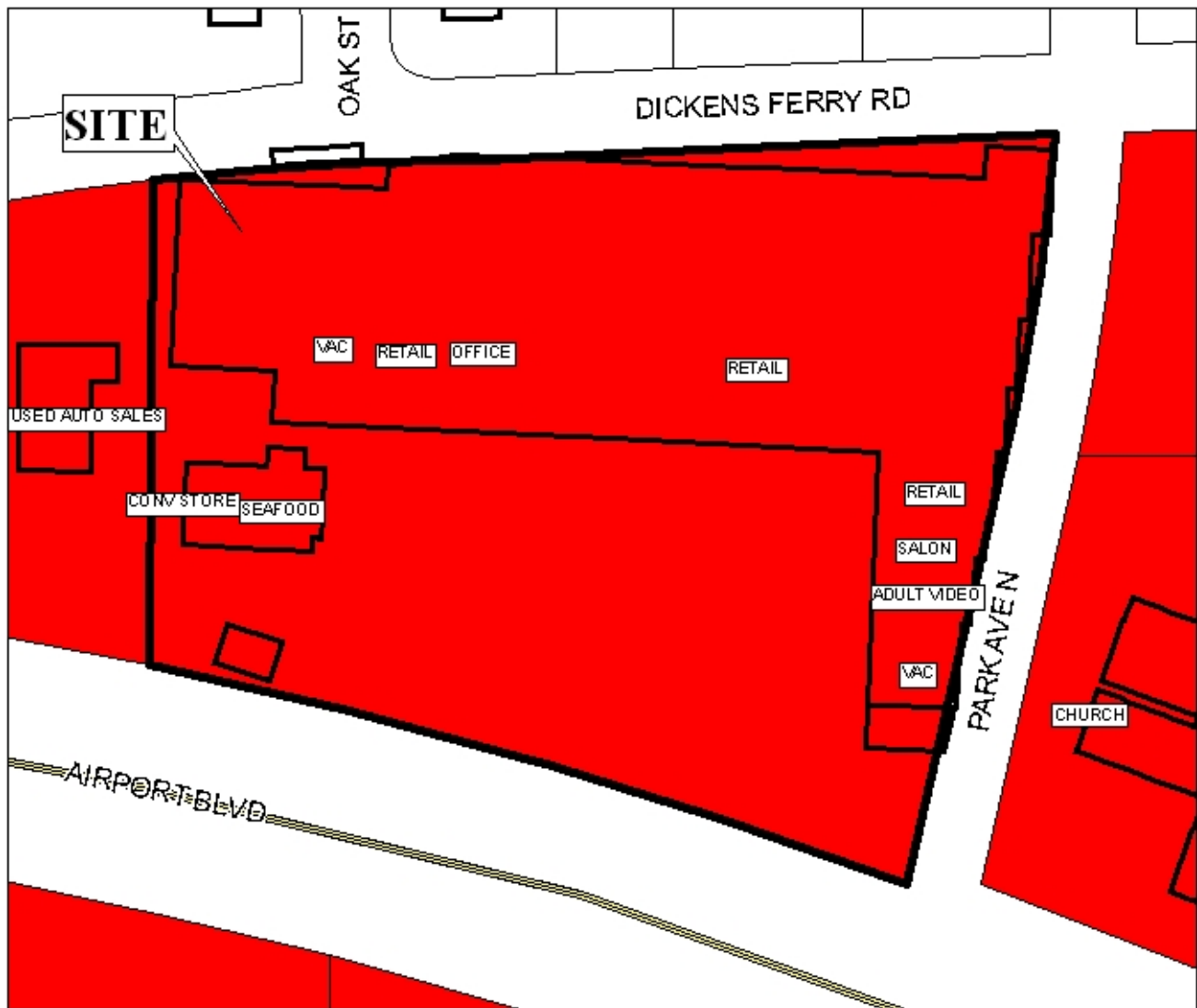
APPLICATION NUMBER 5768 DATE August 6, 2012

APPLICANT Olensky's, Inc. (Ben Cummings, Agent)

REQUEST Parking Ratio Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A church is located to the east of the site.  
An auto sales business is located to the west.

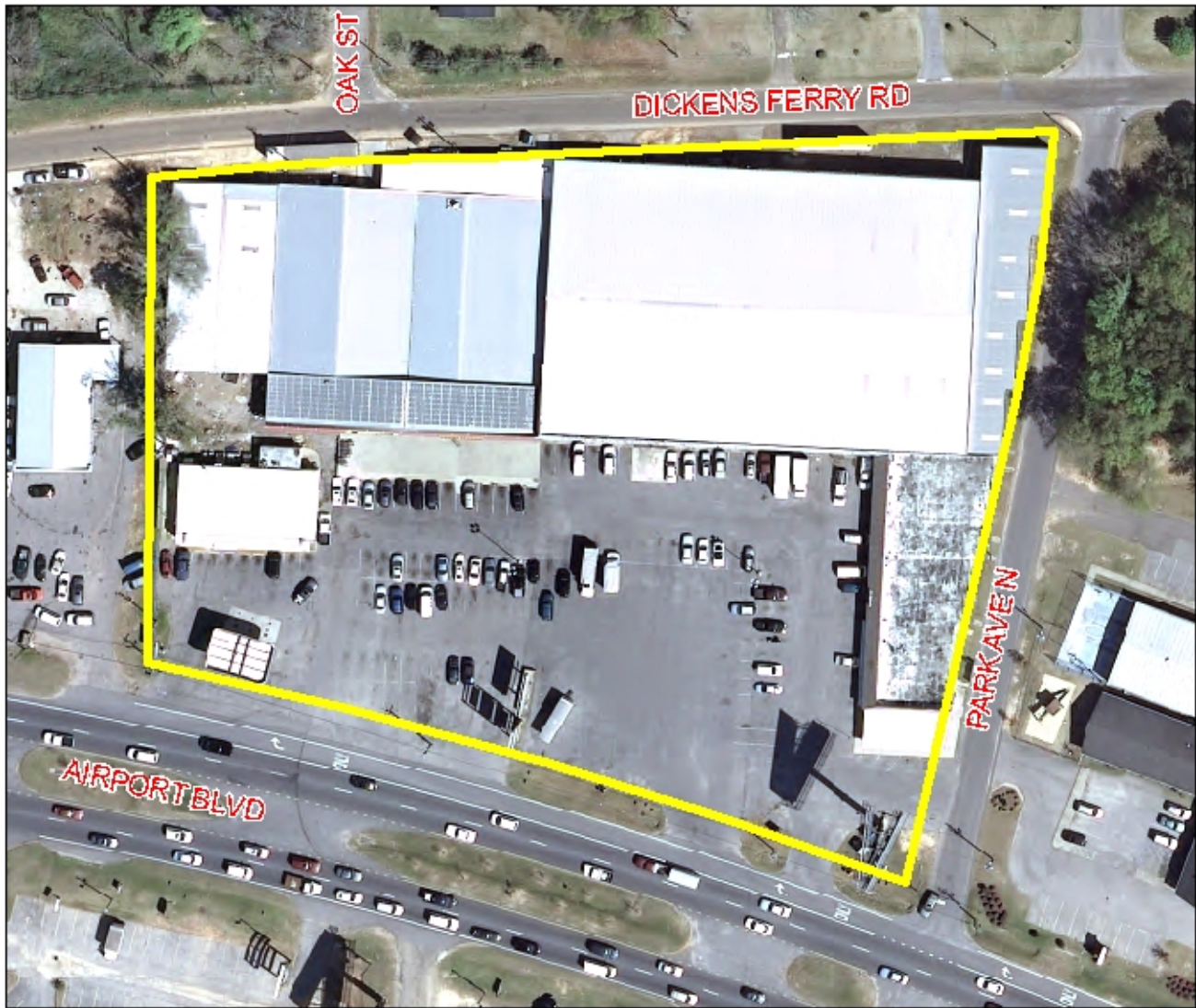
APPLICATION NUMBER 5768 DATE August 6, 2012

APPLICANT Olensky's, Inc. (Ben Cummings, Agent)

REQUEST Parking Ratio Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

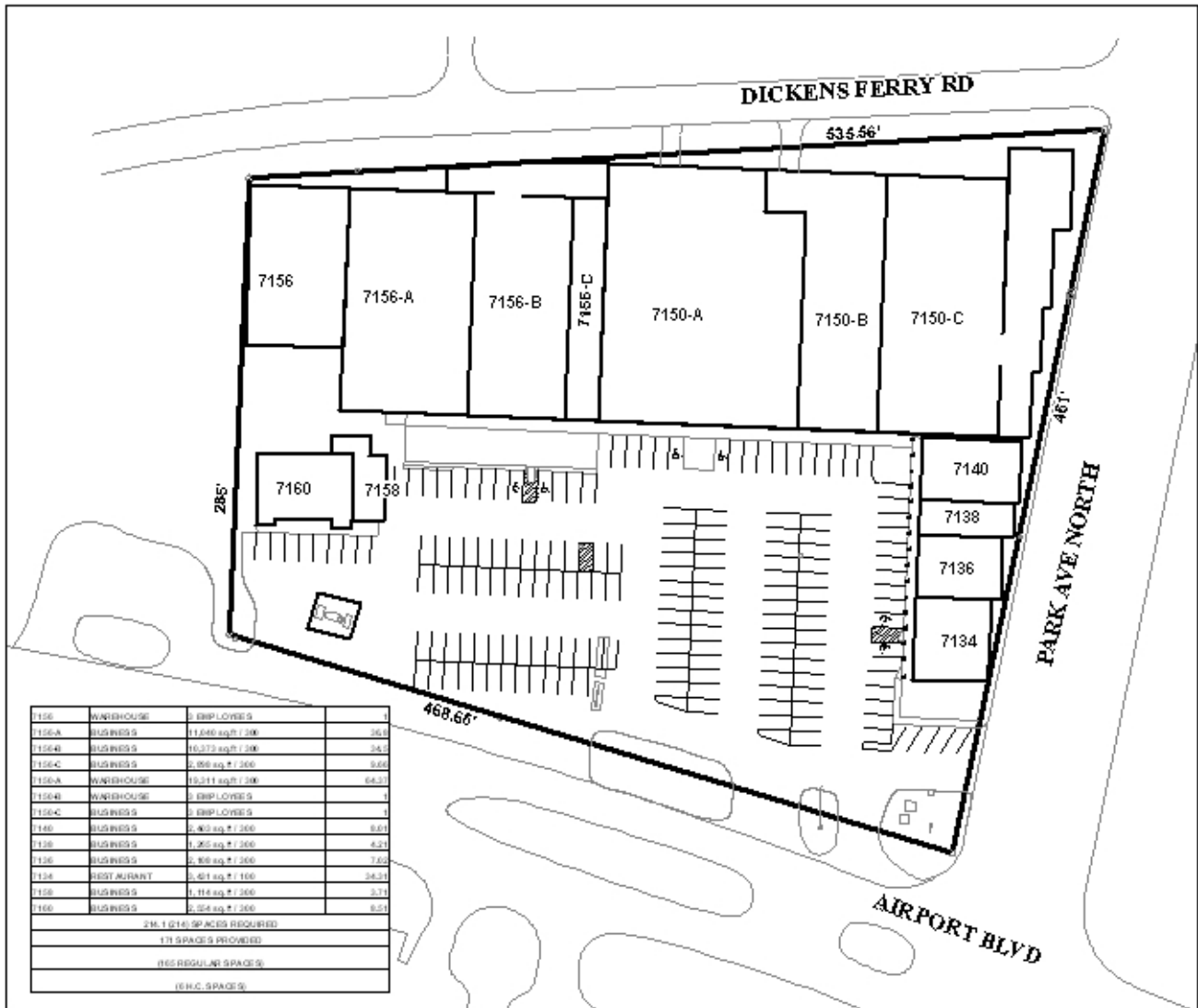


A church is located to the east of the site.  
An auto sales business is located to the west.

APPLICATION NUMBER 5768 DATE August 6, 2012  
APPLICANT Olensky's, Inc. (Ben Cummings, Agent)  
REQUEST Parking Ratio Variance



# SITE PLAN



The site plan illustrates the existing shopping center tenants and parking spaces.

APPLICATION NUMBER 5768 DATE August 6, 2012

APPLICANT Olensky's, Inc. (Ben Cummings, Agent)

REQUEST Parking Ratio Variance



NTS