

APPLICATION NUMBER

**5337**

A REQUEST FOR

**FRONT YARD SETBACK AND SIDE (STREET) YARD  
SETBACK VARIANCES TO ALLOW THE  
CONSTRUCTION OF A (15,965 SQ.FT.) FLOAT BARN  
WITHIN 2' OF THE FRONT (EAST) PROPERTY LINE,  
AND WITHIN 9' FROM THE SIDE (SOUTH) PROPERTY  
LINE; THE ZONING ORDINANCE REQUIRES A  
MINIMUM 25' FRONT YARD SETBACK, AND A SIDE  
(STREET) YARD SETBACK OF 20' IN AN I-1, LIGHT  
INDUSTRY DISTRICT**

LOCATED AT

**1012 SOUTH FRANKLIN AVENUE**

(Northwest corner of South Franklin Street and Pillans Street)

APPLICANT/OWNER

**MYSTICS OF TIME**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2005

The applicant is requesting Front Yard Setback and Side (Street) Yard Setback Variances to allow the construction of a (15,965 sq.ft.) float barn within 2' of the front (East) property line, within 9' from the side (South) property line; the Zoning Ordinances requires a minimum 25' front yard setback, a side (street) yard setback of 20' in an I-1, Light Industry district.

The applicant states the site is currently used as warehouses for float storage. The applicant proposes to demolish the existing warehouses due to damage from several hurricanes and the age of the warehouses.

The applicant goes on to say that due to the location of the existing warehouses and the existing warehouses in the vicinity, the granting of the setback variances should not harm any neighboring property owners. Moreover, the majority of the improved property on Franklin Street east of the railroad is owned by Mardi Gras societies. The applicant states that these sites are used in the same manner (float barns) with similar setbacks as proposed on this site.

The applicant states that conforming to normal setbacks would be an unnecessary waste of much needed property and that several surrounding properties have received variances to allow the construction within the required setbacks.

One of the reasons for the required setbacks is to maintain a consistent, uniform streetscape/frontage. In this particular instance, very few of the structures in the vicinity comply with the minimum setback requirements. In fact, the Board has considered similar requests (three for Mardi Gras societies) in the immediate vicinity, and due to the existing development and the nature of the existing uses, those requests have typically been granted subject to compliance with landscaping and frontage tree requirements. It should also be noted that one of the existing warehouses does not comply with the front or rear setback requirements.

As proposed, the entire site be required to fully comply with all municipal codes and ordinances, and the applicant proposes to comply with the landscaping and tree planting requirements.

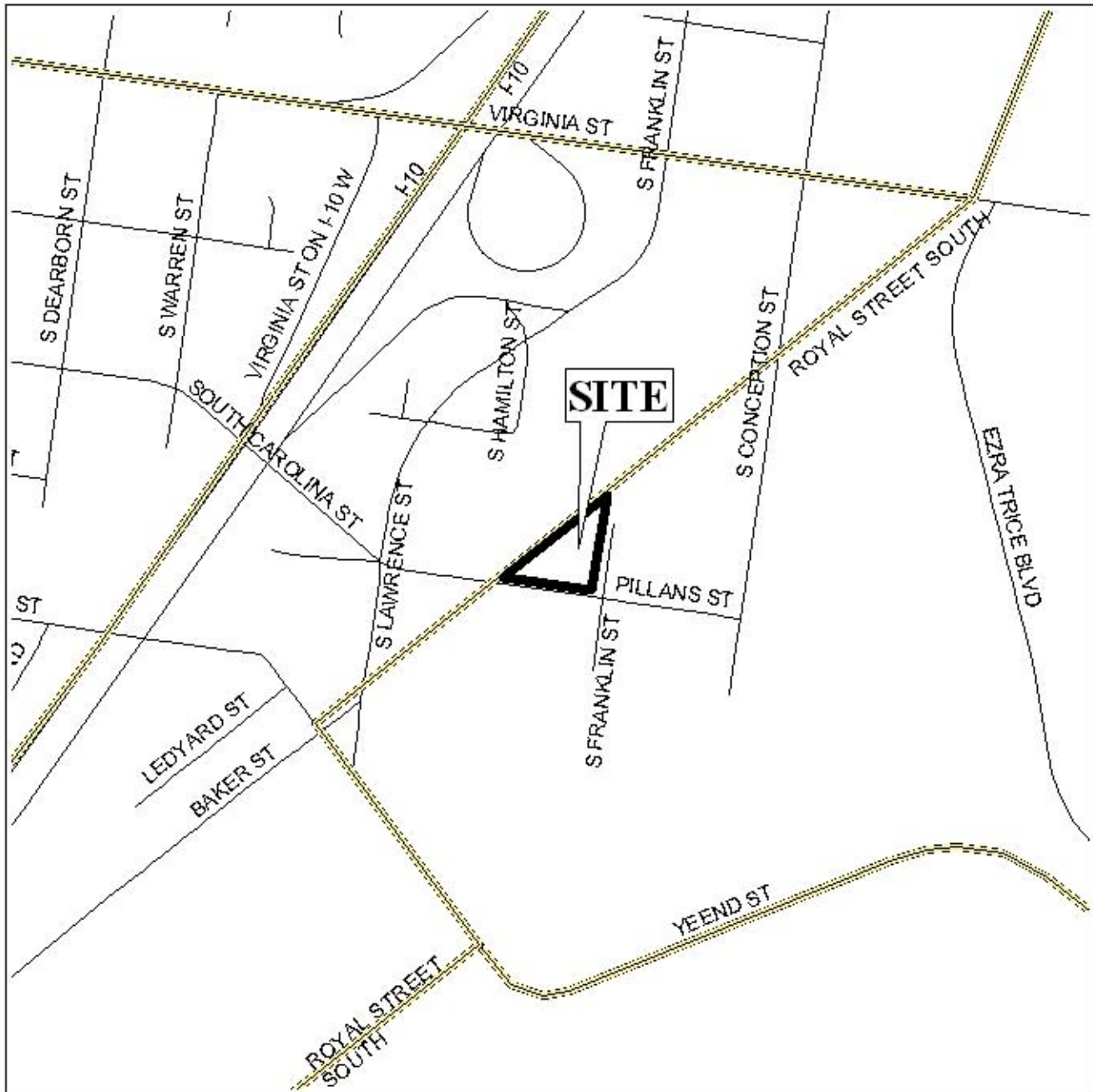
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

Due to the unique nature of the proposed use, the existing development of the surrounding area and the consideration the Board has given to these factors in the past; special conditions may exist for the (re)development of the property.

**RECOMMENDATION 5337****Date: December 5, 2005**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) full compliance with the tree planting requirements of the Zoning Ordinance, to be coordinated with Urban Forestry.

## LOCATOR MAP



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APPLICANT Mystics Of Time

REQUEST Front Yard Setback and Side (Street) Yard Setback Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous warehouses and vacant buildings.

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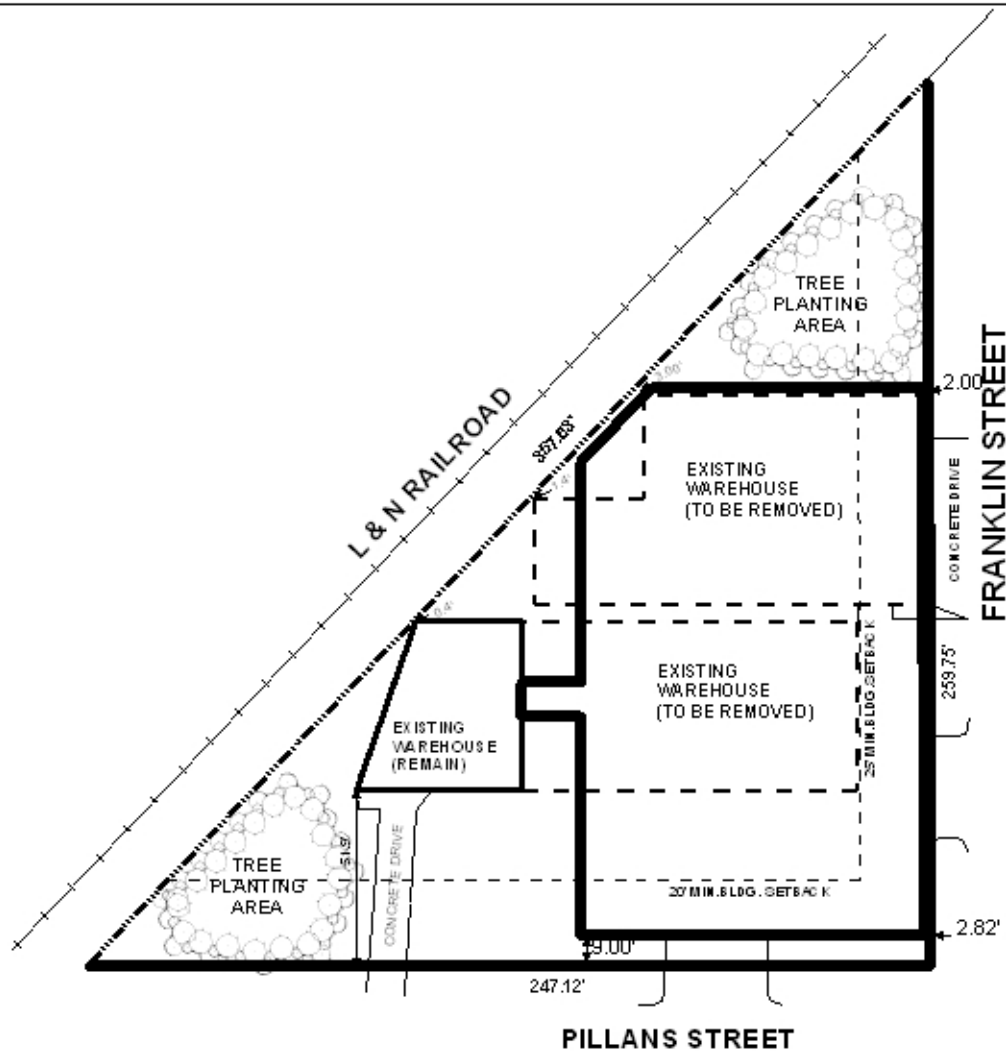
REQUEST Front Yard Setback and Side (Street) Yard Setback Variances

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

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# SITE PLAN



The site is located on the Northwest corner of Franklin Street and Pillans Street. The plan illustrates the existing structures and drives.

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