

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 10, 2017****CASE NUMBER**

6121/6045

**APPLICANT NAME**

Fikes Wholesale Inc. (Costorde LLC, Authorized Agent)

**LOCATION**2704 Spring Hill Avenue  
(Northwest corner of Spring Hill Avenue and Mobile  
Street)**VARIANCE REQUEST****SIDE STREET SIDE YARD SETBACK:** Side Street  
Side Yard Setback Variance to allow an ATM to encroach  
into the required 20' side street side yard setback in a B-3,  
Community Business District.**FRONTAGE TREES:** Reduced Frontage Tree Variance  
to allow less than the required number of trees to be  
provided in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****SIDE STREET SIDE YARD SETBACK:** The Zoning  
Ordinance prohibits structures taller than 3' from  
encroaching into required side street side yard setbacks in a  
B-3, Community Business District.**FRONTAGE TREES:** The Zoning Ordinance requires  
full compliance with the tree planting requirements in a B-  
3, Community Business District.**ZONING**

B-3, Community Business

**AREA OF PROPERTY**

1.34± Acre

**ENGINEERING  
COMMENTS****SIDE STREET SIDE YARD VARIANCE (ATM):**

If the Side Street Yard Variance is approved the applicant will need to have the following conditions met:

- a. The proposed structure shall not disrupt any of the proposed drainage patterns or surface flow characteristics.

- b. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
- c. Show and label the additional structure on the As-Built plans.

**FRONTAGE TREE VARIANCE:**

Engineering Dept. recommends approval of this request so that the required landscape plantings will NOT be located within the detention pond area. If the Frontage Tree Variance is approved the applicant will need to have the following conditions met:

- a. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
- b. Show and label the additional plantings on the As-Built plans

**TRAFFIC ENGINEERING**  
**COMMENTS**

No traffic impacts anticipated by this variance request.

**CITY COUNCIL**  
**DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting Side Street Side Yard Setback and Frontage Tree Variances to allow an ATM to encroach into the required 20' side street side yard setback and reduced frontage trees in a B-3, Community Business District; the Zoning Ordinance prohibits structures taller than 3' from encroaching into required side street side yard setbacks and requires full compliance with tree planting requirements in a B-3, Community Business District.

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 states:

*"Requesting Site Variance to provide:*

*-Freestanding drive-up ATM within building setback and landscaping buffer\* customer service/convenience offering, other suitable locations within the parking area do not work for safety of flow of patron traffic.*

*-Replacement of Spring Hill street frontage trees with 57 low growing shrubs. Fronting trees were located within Detention Pond due to limited space between property line and detention pond. Proposed shrubs to be located outside detention pond in front of detention pond fencing. \* Shrubs are a higher and better use of the limited available land area for beautification and future safety providing better visibility as site matures. Trees within the detention pond are not a favorable location for growth and beautification in addition trees will limit visibility and safety of patrons as site matures."*

The site plan submitted for land disturbance was originally approved with trees required along the Spring Hill Avenue frontage proposed within the Stormwater pond. The site plan was also approved without the proposed ATM with the understanding that a Setback Variance would be required to allow such. As designed, does not appear to be any location within the Spring Hill Avenue frontage area to accommodate the required frontage trees. And as the ATM is proposed to be positioned directly at the access/maneuvering area curbing, the possibility exists for collision with the ATM by maneuvering vehicles as well as the driver-side use of the ATM may create a contra-flow situation.

### **RECOMMENDATION**

As staff cannot make a conclusive recommendation for approval or denial, it is felt that the Board should take into consideration all facts in these two requests.

### **SUGGESTED CONDITIONS OF APPROVAL**

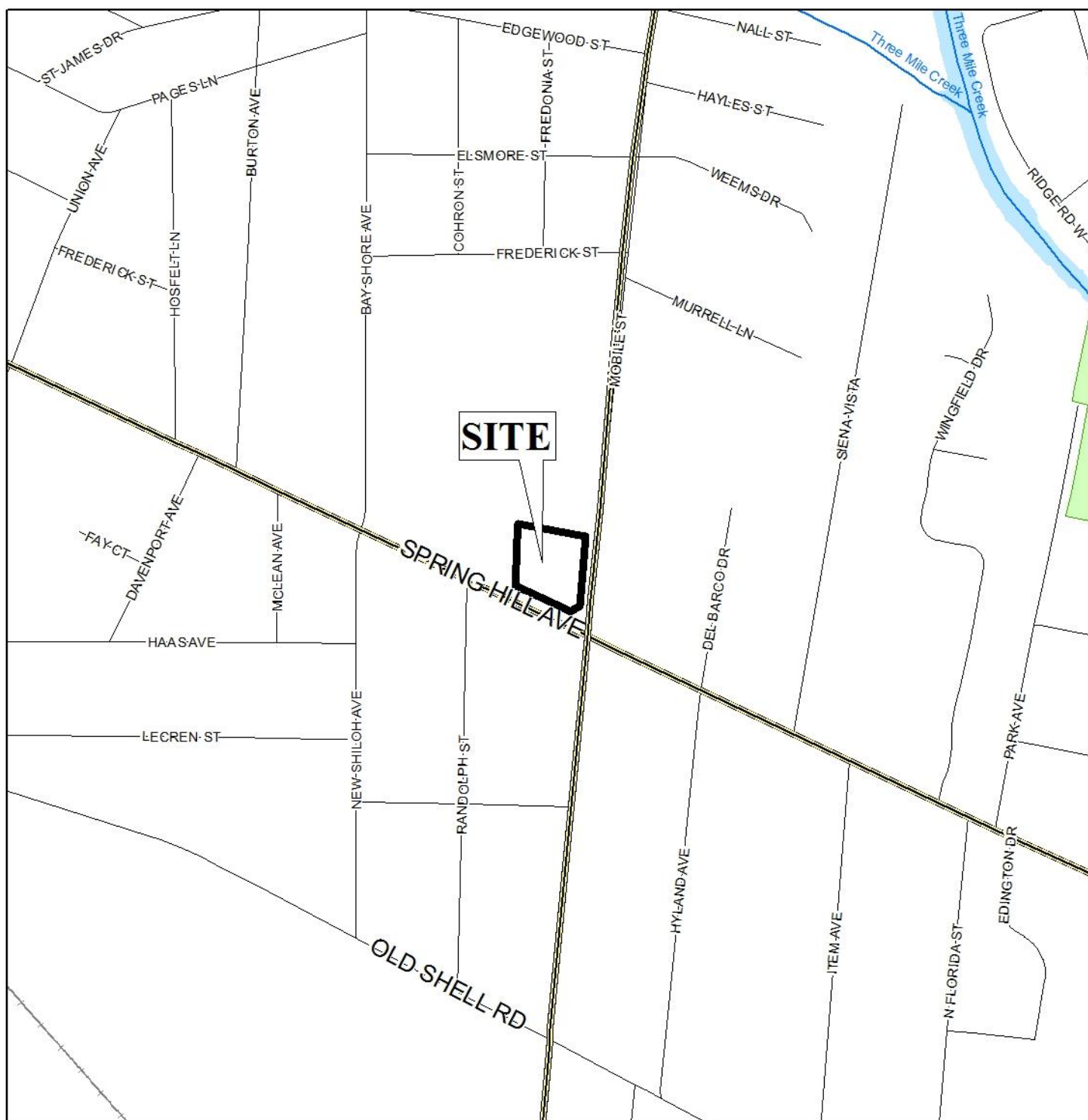
Should the Board conclude that approval of the Side Street Side Yard Setback request is appropriate, it should be subject to the following conditions:

- 1) placement of bollards along the curbing edge to prevent vehicular collision with the ATM;
- 2) obtaining of permits for any signage on the ATM; and
- 3) full compliance with all other municipal codes and ordinances.

Should the Board conclude that approval of the Frontage Trees request is appropriate, it should be subject to the following conditions:

- 1) donation of six (6) trees to the Tree Bank; and
- 2) full compliance with all municipal codes and ordinances.

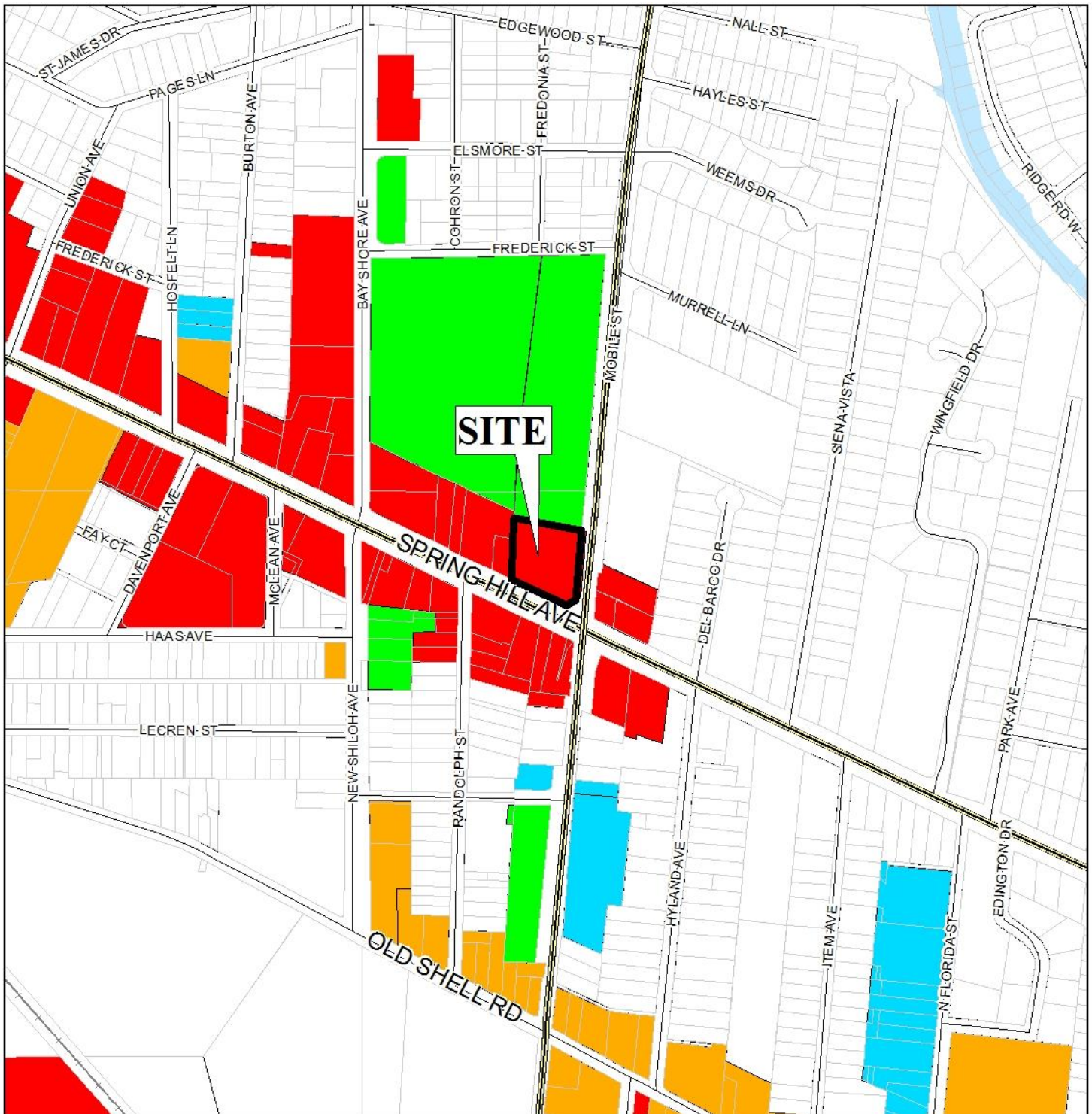
# LOCATOR MAP



APPLICATION NUMBER 6121 DATE July 10, 2017  
 APPLICANT Fikes Wholesale Inc. (Costorde LLC, Authorized Agent)  
 REQUEST Side Street Side Yard Setback and Frontage Tree Variances



# LOCATOR ZONING MAP



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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the east and commercial units to the south and west.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



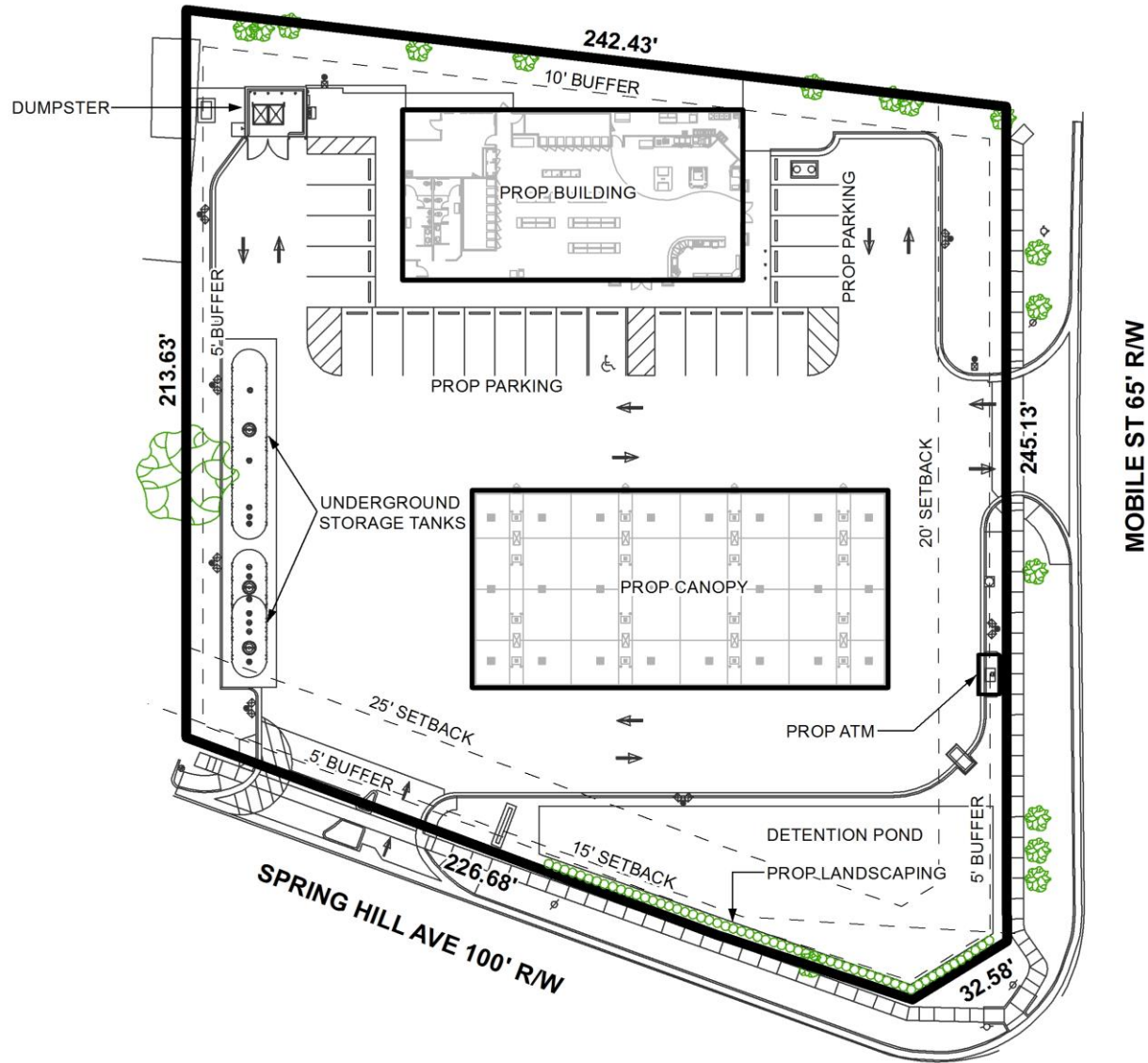
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# SITE PLAN



The site plan illustrates the proposed building, proposed canopy, proposed parking, proposed detention pond, setbacks, proposed landscaping, and proposed atm machine.

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