

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2011****CASE NUMBER**

5691

APPLICANT NAME

Jubileescape

LOCATION

206 Maryland Street
(East side of South Franklin Street, 330' ± North of Virginia Street and extending to South Conception Street).

VARIANCE REQUEST

BUFFER FENCE: Allow a chain link fence around a contractor's storage yard.

SURFACING: Allow aggregate surfacing for vehicle and equipment storage and maneuvering area in a contractor's storage yard.

**ZONING ORDINANCE
REQUIREMENT**

BUFFER FENCE: An 8-foot high solid wall or fence is required to be erected around a contractor's storage yard.

SURFACING: Equipment storage and maneuvering areas are required to be paved with asphalt, concrete, or an approved alternative paving surface.

ZONING

I-1, Light Industry District

AREA OF PROPERTY

1.0 Acre ±

**TRAFFIC ENGINEERING
COMMENTS**

If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting Surfacing and buffer fence variances to allow the construction of a contractor's storage yard with aggregate surfacing and a chain link buffer fence in an I-1, Light Industry District; the Zoning Ordinance requires maneuvering areas to be surfaced with asphalt, concrete or an approved alternative surface and for the storage yard to be enclosed within an 8' foot high solid wall or fence in an I-1, Light Industry District.

The applicant wishes to renovate an existing building into office and warehouse space for a Landscape Contractor. Additionally, the applicant wishes to convert existing green space adjacent to the building into a storage yard for equipment, mulch, and other landscaping materials.

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 does not specifically state in his narrative what the hardship on the property is, if any. However, in meetings with the applicant, the applicant expressed concern about the durability of asphalt or concrete pavement in the storage yard area due to the nature of the equipment used in the business, such as large, track-style front end loaders and the like. The Board has, in the past, granted requests for aggregate surfacing in areas where this type of equipment operates as it has been considered a hardship due to maintenance of the paving.

Regarding the 8-foot high solid wall or fence, the applicant did not specifically mention the fence in the narrative, but depicts the fence as being chain-link. There is no hardship or special circumstance readily apparent to justify this request.

RECOMMENDATION

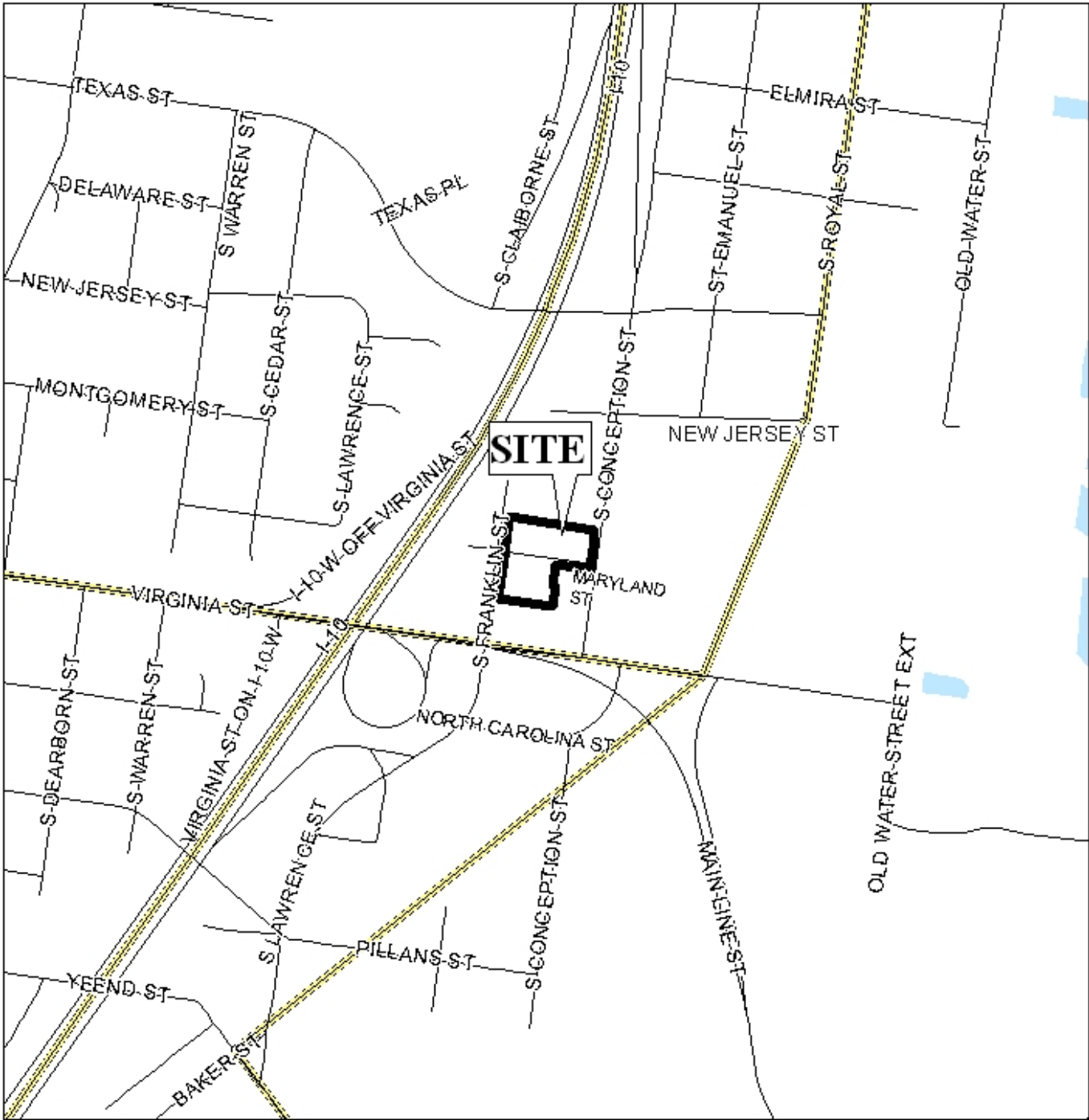
Based upon the preceding, the following is recommended:

Denial of the buffer fence variance; and

Approval of the surfacing variance subject to the following conditions:

- 1) all vehicular parking and maneuvering areas to be paved with asphalt or concrete;
- 2) full compliance with tree planting and landscaping requirements; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



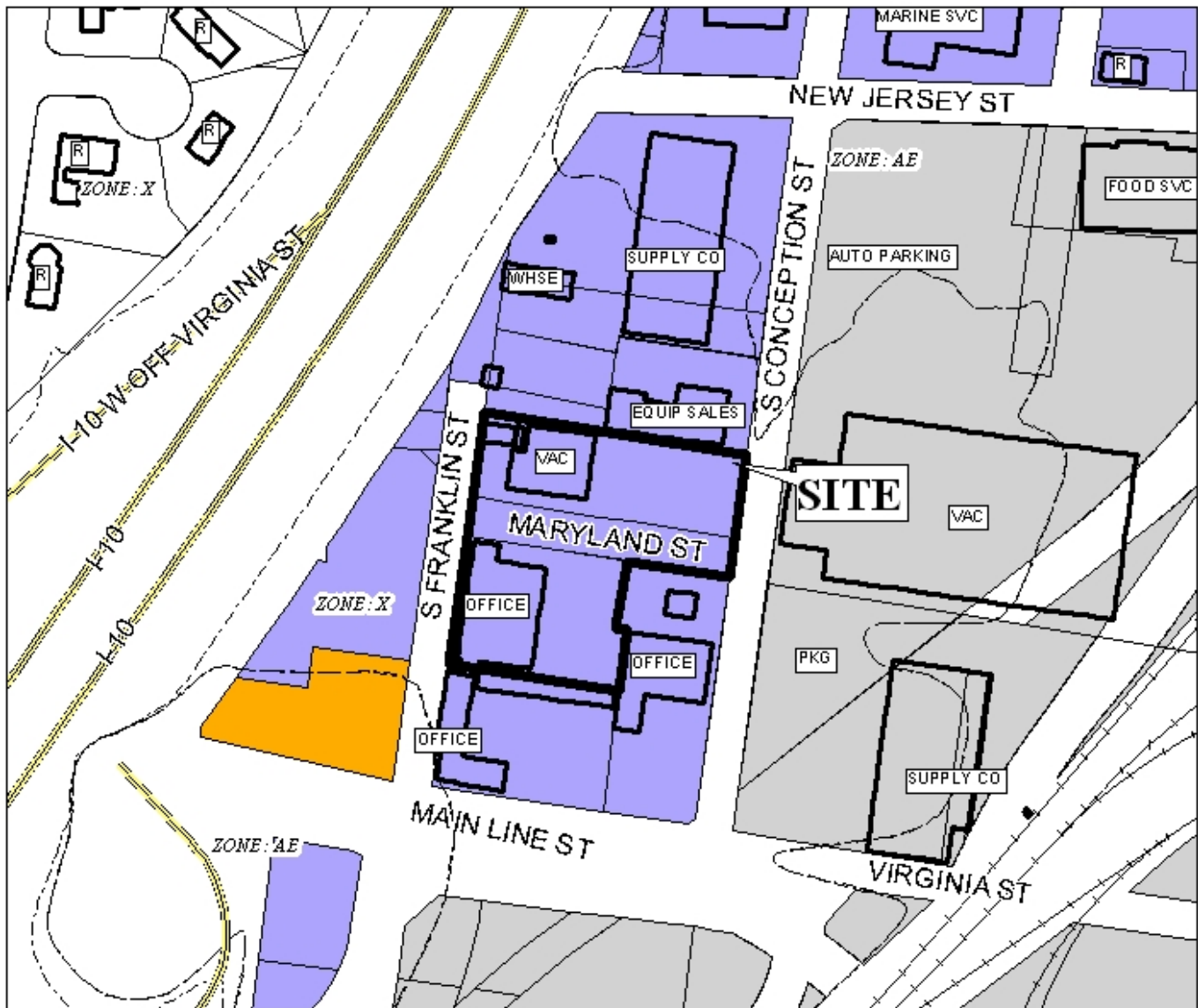
APPLICATION NUMBER 5691 DATE July 11, 2011 N

APPLICANT Jubileescape

REQUEST Surfacing and Buffer Fence Variances

NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is an office to the south of the site, warehouses and supply companies are to the north and east.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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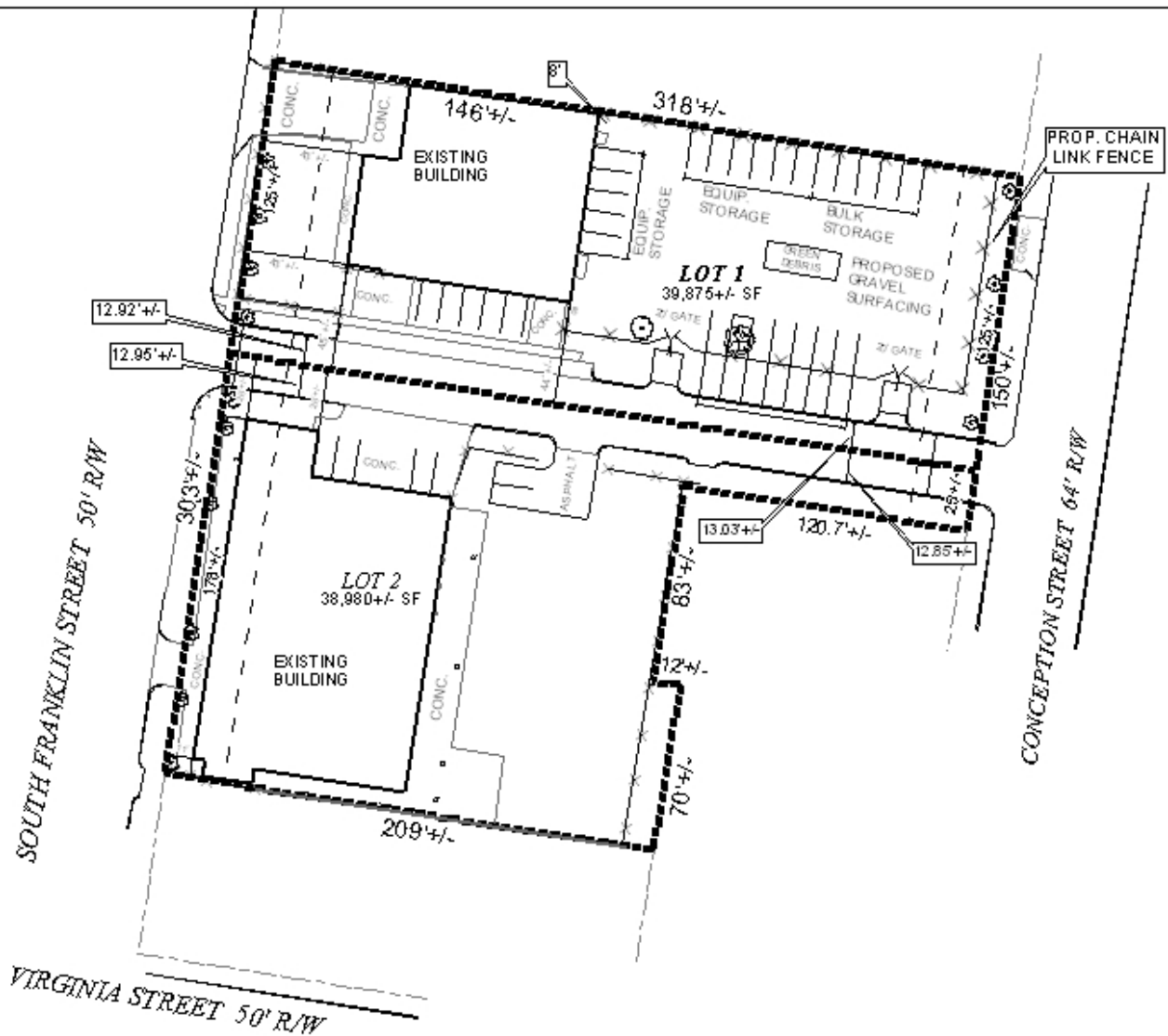
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SITE PLAN



The site plan illustrates the lot configuration, existing buildings and curb cuts.

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