BOARD OF ZONING ADJUSTMENT
STAFF REPORT **Date: December 6, 2010**

CASE NUMBER 5646

APPLICANT NAME Ben Cummings for
Glenwood Investors LLC

LOCATION 2101 Airport Boulevard and 306 Glenwood Street
(South side of Airport Boulevard between Glenwood Street and Mohawk Street)

VARIANCE REQUEST **PARKING RATIO:** Allow a 13,378 square foot retail antiques store and a 3,426 square foot restaurant on a site with 41 parking spaces provided.

ZONING ORDINANCE REQUIREMENT **PARKING RATIO:** A minimum of 79 total parking spaces; 45 spaces for the retail use, and 34 spaces for the restaurant use.

ZONING B-3, Community Business District and
B-2, Neighborhood Business District

AREA OF PROPERTY 0.98 Acre ±

TRAFFIC ENGINEERING COMMENTS None received

CITY COUNCIL DISTRICT District 5

ANALYSIS The applicant is requesting a Parking Ratio Variance to allow a 13,378 square foot retail antiques store and a 3,426 square foot restaurant on a site with 41 parking spaces provided; the Zoning Ordinance requires a minimum of 79 parking spaces on the site.

The applicant wishes to expand an existing restaurant use with non-conforming parking into a space that was previously utilized as a hair salon. As the site was already non-conforming in regards to parking, changing the use of the hair salon to a restaurant use would require more parking, and would, thus, expand the non-conformity.

The applicant states that the previous occupant of the restaurant space expanded into the hair salon space without permits. When the current occupant moved in to the building, they had no

knowledge that the expansion was done improperly. The applicant states that they simply wish to maintain the entire space as it had been being used.

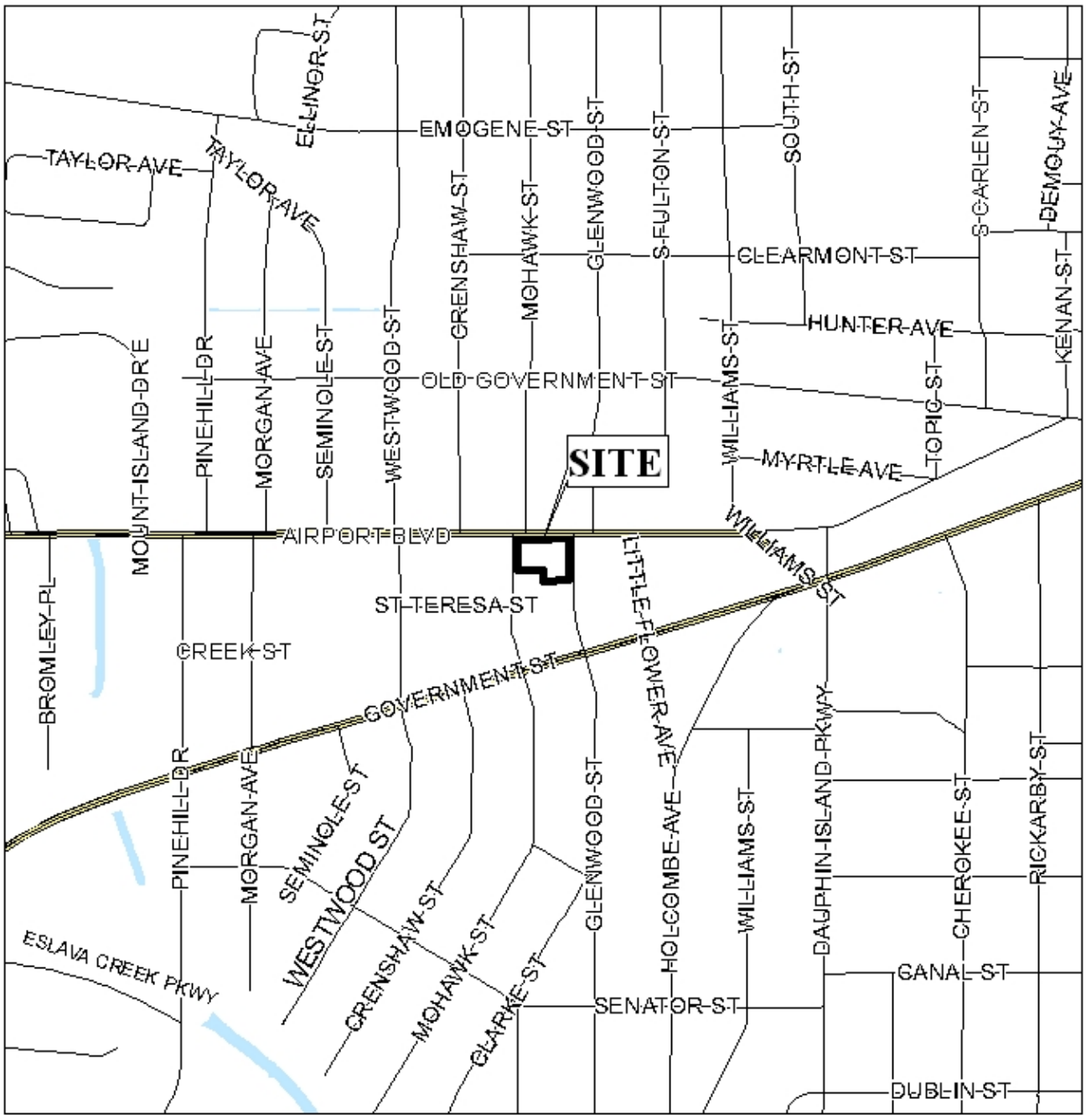
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 what hardship, if any, exists on the property; the applicant simply states that the businesses (or similar businesses) have been operating the these spaces "for year with no problems." While this may or may not be the case, there does not appear to be any specific hardship inherit to the property, and, as such, the application should be denied.

RECOMMENDATION Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



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REQUEST Parking Ratio Variance

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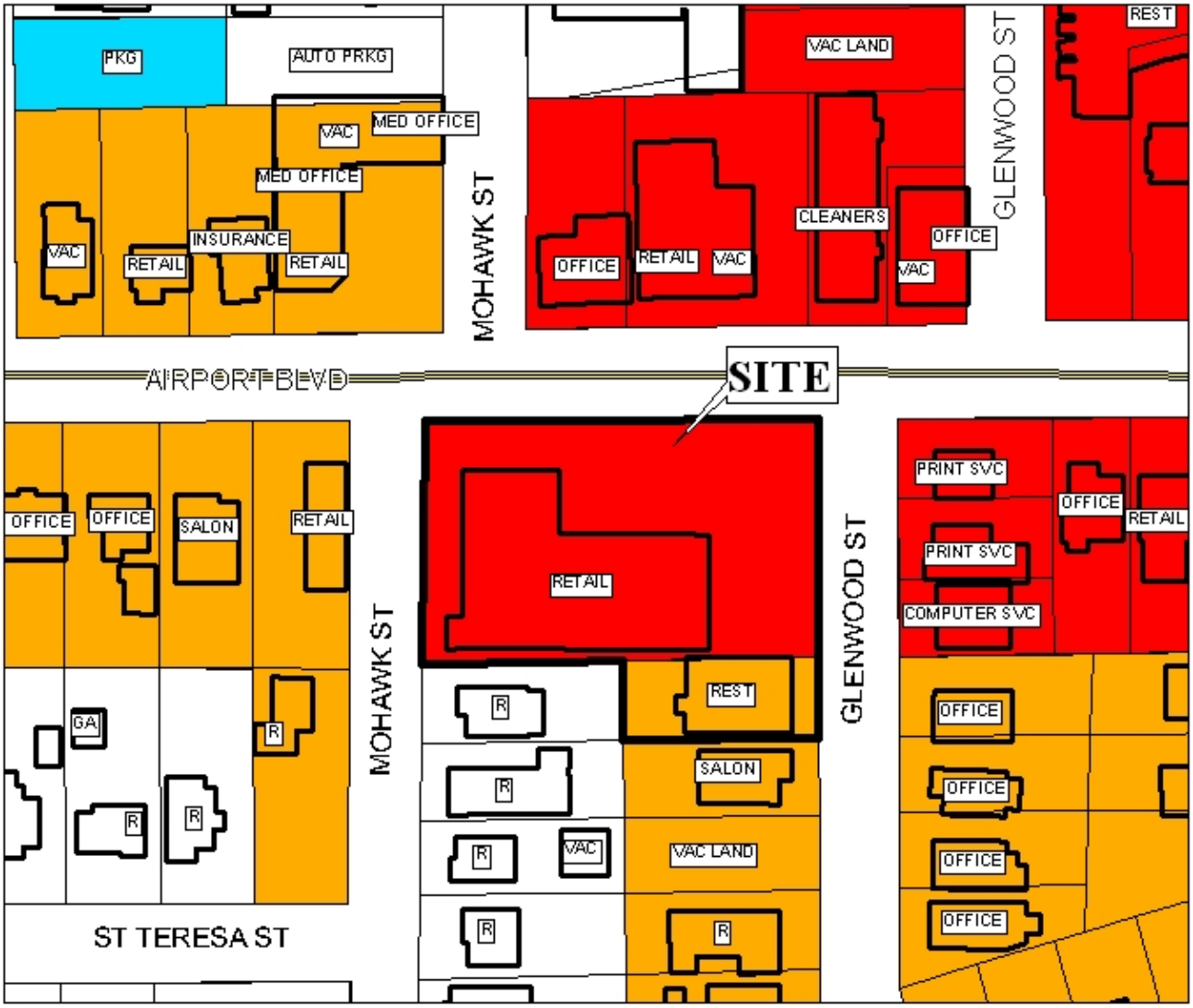
NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING



Retail businesses and an office are to the north of the site, a printing service company is to the east, a salon and residential land use is to the south and retail land use is to the west.

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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

N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING

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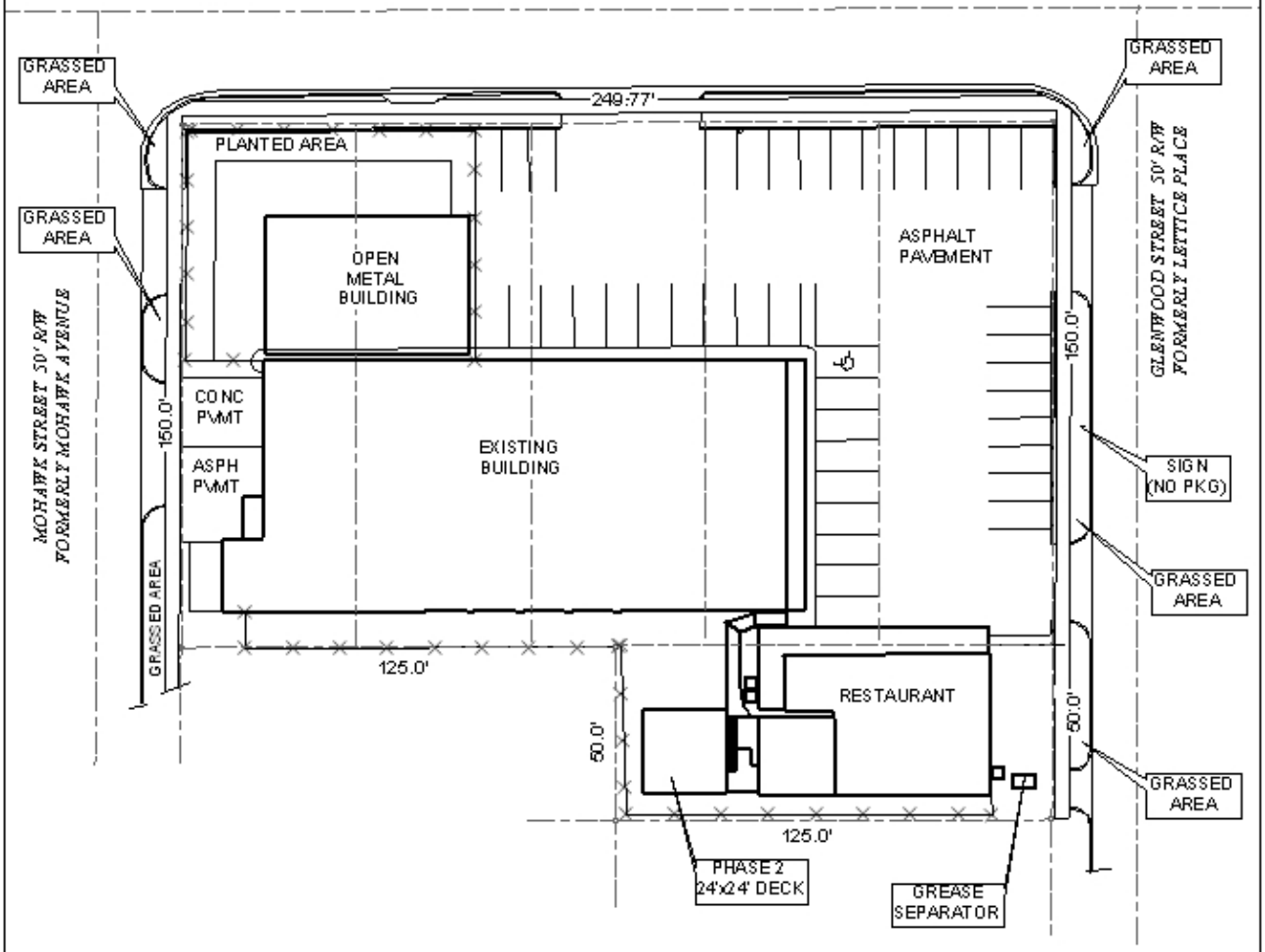
SITE PLAN



The site plan illustrates the existing buildings, parking, and restaurant.

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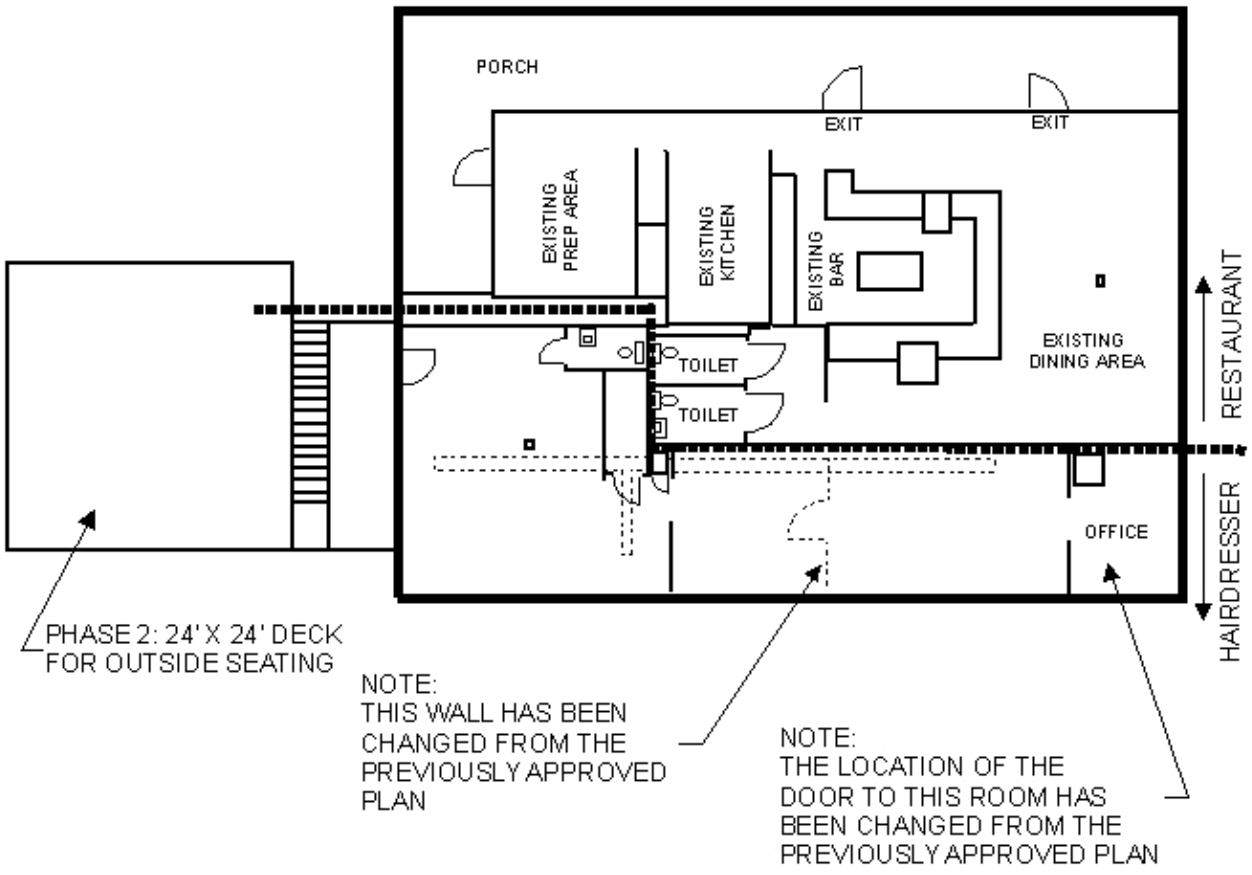
FLOOR PLAN DETAIL



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