

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 1, 2015**

<u>CASE NUMBER</u>	5980/5668
<u>APPLICANT NAME</u>	Donald Blocker
<u>LOCATION</u>	4512 Higgins Road (Northside of Higgins Road, 230'± West of Shipyard Road.)
<u>VARIANCE REQUEST</u>	SITE: Site Variance to allow a gravel laydown yard for postal trucks in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SITE: The Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for vehicle parking and maneuvering for commercially utilized building sites.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	120,432 square feet/2.76 ± Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request. Owner/developer have already indicated that gravel surface will not extend into right-of-way, and that driveways are to be improved.
<u>ENGINEERING COMMENTS</u>	If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: <ul style="list-style-type: none">a. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting.b. Submit a ROW Permit for the work within the Higgins Rd. ROW. Aggregate surfacing will NOT be allowed within the Higgins Rd. ROW; only pavement will be allowed.
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ANALYSIS</u>	The applicant is requesting a Site Variance to allow a gravel laydown yard for the storage of postal trucks in a B-3, Community Business District; the

Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for vehicle parking and maneuvering for commercially utilized building sites.

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:

“We are submitting a variance request of the property located at 4512 Higgins Road. This request is to create a gravel laydown yard for postal trucks. This property had B-3 directly to the west and B-5 to the north. We believe this request is consistent with the area that has been transitioning commercial for quite some time and gravel parking is utilized across the street for trucks as well. The site would retain or provide a buffer in compliance with the zoning regulations.

They will be storing trucks on-site for his business and will need gravel for maneuverability throughout the western portion of the site. We are improving both driveways (see letter from neighbor), we will comply with the landscaping requirements and we understand that we are submitting this application to the Board of Zoning Adjustment for approval on gravel surfacing.

We will operate under normal business hours and we will carry the asphalt driveway into the site to keep the gravel surfacing on our site. The gravel will provide a better maintenance plan with the use of heavier trucks and we ask that it be approved for gravel surfacing as shown on our site plan.

Thank you for your time and consideration.”

As the applicant stated, this request is to allow the use of gravel surfacing in an outside storage area for postal trucks. According to the Zoning Ordinance, gravel surfacing is only allowed by right in I-1 and I-2 districts, and requires a request for variance from the Board of Zoning Adjustment to allow the use of gravel for parking in most other zoning districts; hence, the reason for the request. It should be pointed out, that a paved parking surface will be required if the variance for gravel surfacing is not approved. Although the applicant does not cite any particular hardship to the property regarding the use of compliant surfacing, such as asphalt, concrete, or an approved alternative paving surface for the parking area, the applicant does contend that the use of gravel surfacing will aid in better maneuverability of the trucks, due their heavier weight distribution, when entering and exiting the site.

The applicant recently submitted a request to rezone the property from R-1, Single Family Residential District to B-3, Community District to allow the proposed use. At its May 21, 2015 meeting, the City Council approved the rezoning of the property from R-1 to B-3 to allow commercial use of the site.

Upon review of the site plan, and as stated by the applicant, the gravel surfacing will only be used on the western portion of the site and that the business will only be open during normal business hours. These considerations would appear to lessen the proposed use's impact to the site, and with appropriate buffering and landscaping its visibility from the street. It also appears that the remaining areas of the site will remain untouched with alterations and improvements to be completed in accordance with the Zoning Ordinance.

The applicant states that the improvements made to the site, such as upgrading and carrying the existing asphalt driveway into the site and providing compliant landscaping, will be completed; however, there are revisions that need to be addressed on the site plan in order to bring the property into full commercial site compliance. For instance, the site plan illustrates a compliant driveway and apron adjacent to the truck parking area; however, the secondary driveway, adjacent to the existing building to remain, is only depicted as 11.65' in width and should be revised to reflect a minimum width of 24' to allow two -way access. Also, the parking table on the site plan indicates that three parking spaces are required and will be provided for the site per the Ordinance; however, the site plan should be revised to illustrate each parking space, and provide the required length and width dimensions of the spaces in addition to wheel stops or curbing. Wheel stops, landscape timbers, or similar should be used to define the boundary of the entire gravel area in order to prevent vehicular encroachment into required buffers or into unimproved portions of the site.

On-site lighting should be provided in accordance with Section 64-6.A.3.c of the Ordinance. The applicant indicated on the site plan that garbage collection will be curb-side via a private collection service; this note should be retained on the site plan if approved.

The site plan should also be revised to illustrate compliant landscaping as required by Section 64-4.E of the Ordinance. The perimeter understory tree plantings should illustrate the required number of trees to be provided on site; the existing wooded buffer cannot be substituted in lieu of the 37 required perimeter tree plantings unless a sufficient number of existing trees are identified by size and species to be claimed for the credits. The applicant also acknowledges the existence of the residential property located to the east of the subject site and stated that they would retain or provide a buffer in compliance with zoning regulations.

In addition to providing a suitable and compliant buffer/screening between the residential and proposed commercial site, the applicant should ensure that appropriate screening, in compliance with Section 64-4.D of the Zoning Ordinance, is provided along both the side and rear property lines of the area of the property that contains the postal truck storage. Also, screening should be provided on the portion of the site near the street frontage. A privacy screen should be provided setback 10' from the front property line and may consist of a 3'-5' tall berm or evergreen planting 3'-5' tall at the time of planting, or it may consist of a 6' privacy fence to shield the site from the view of the general public located at least 25 feet from the front property line.

It should be noted that the applicant is responsible for obtaining all required land disturbance, building, and other necessary permits prior to the start of any site improvements and upon approval of the requests for variance.

The site fronts Higgins Road, a paved minor street without curb and gutter. Higgins Road requires a 60' right-of-way width. The plan depicts the existing right-of-way width as 60' and should be retained on the revised site plan, if approved.

The 25' minimum setback line is also depicted on the plan and should be retained on the revised site plan, if approved.

As a means of access management, a note should be placed on the revised site plan stating that the site is limited to the two curb-cuts to Higgins Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards.

No hardship relating to the site has been demonstrated. However, the Board has approved four other aggregate surfacing requests for truck parking since 1996 for sites within 610 feet of the property at hand. Thus, the allowance for aggregate surfacing would be consistent and not out of character.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

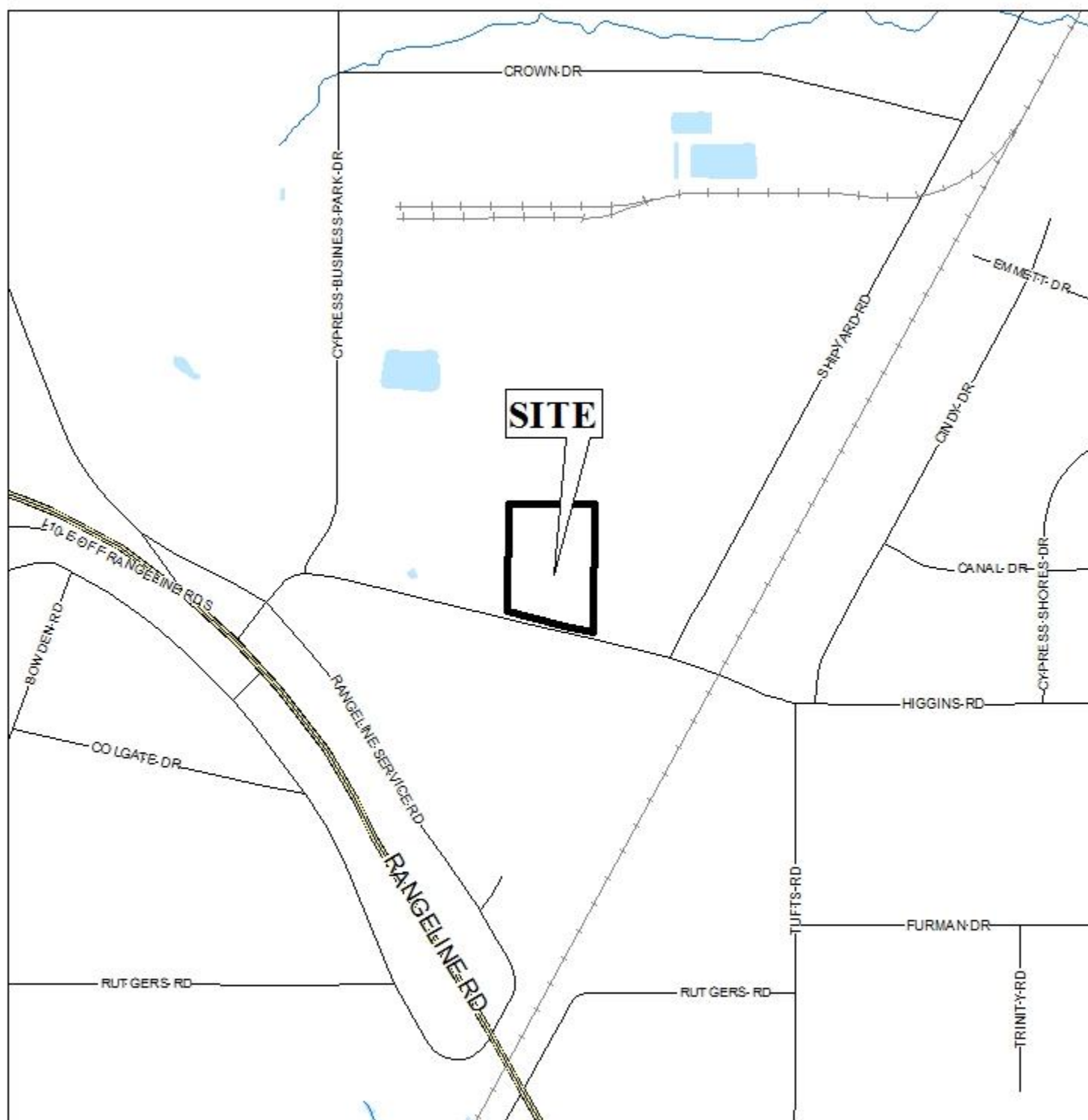
- 1) Approving the variance will not be contrary to the public interest in that the gravel surfacing will allow for easier maneuverability of the large trucks throughout the western portion of the site and that the required buffering, compliant with the Zoning Ordinance, will aid in minimizing adverse impacts to the site and surrounding properties;
- 2) Special conditions exist and there are hardships which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed gravel surfacing will not be a detriment to the neighborhood.

The approval is subject to the following conditions:

- 1) Approval by the City Council to allow the property to be rezoned from R-1, Single Family Residential District to B-3, Community District;
- 2) Revision of the site plan to update the secondary driveway, adjacent to the existing building to remain, to reflect a minimum width of 24' as required by Section 64-6 of the Zoning Ordinance for a two-way drive;
- 3) Revision of the site plan to illustrate each required parking space, and provide the required length and width dimensions of the spaces in addition to wheel stops or curbing, as required by Section 64-4.E of the Zoning Ordinance;
- 4) Provision of on-site lighting in accordance with Section 64-6.A.3.c of the Ordinance;
- 5) Retain or provide a buffer in compliance with Sections 64-4.D of the Zoning Regulations;

- 6) Revision of site plan to reflect compliance with the landscaping and tree planting requirements of Section 64-4.E of the Zoning Ordinance as applies to frontage and perimeter trees;
- 7) Retention of the note on the revised site plan stating that garbage collection will be curb-side via a private collection service;
- 8) Provision to retain and/or provide a buffer between the subject site and the residential property located to the east of the subject site in compliance with Section 64-4.D of the Zoning Ordinance;
- 9) Provision of screening along the rear and side property lines of the outside storage area in compliance with Section 64-4.D of the Zoning Ordinance;
- 10) Provision of screening setback 10' from the front property line in the form of a 3 to 5 foot high berm or evergreen hedge, or a 6 foot high privacy fence setback 25 feet from the front property line;
- 11) Retention of the 60' right-of-way width at Higgins Road;
- 12) Retention of the 25' minimum setback line on the revised site plan, if approved;
- 13) Placement of a note on the revised site plan stating that the site is limited to the existing curb-cuts to Higgins Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 14) Obtainment of land disturbance, right-of-way, building, and other necessary permits prior to the start of site improvements;
- 15) Provision of wheel stops, landscape timber, or other similar devices to prevent the encroachment of vehicles into any required buffers or onto any unimproved areas of the site;
- 16) Provision of revised site plan illustrating compliance with the conditions prior to any requests for permits; and
- 17) Full commercial site compliance, and compliance with all other municipal codes and ordinances.

LOCATOR MAP



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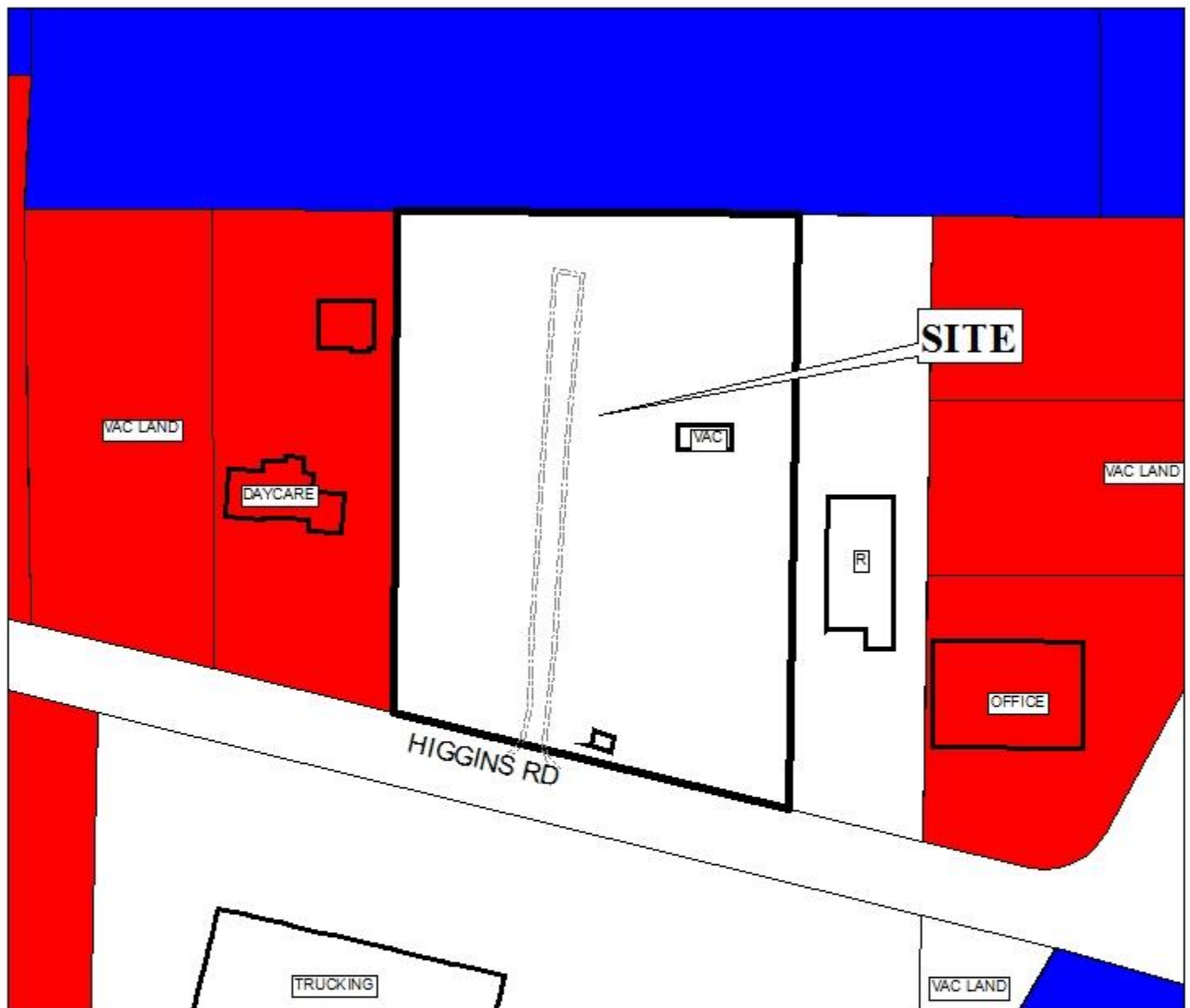
APPLICANT Donald Blocker

REQUEST Use Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential and commercial units.

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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 ZONING



The site is surrounded by miscellaneous residential and commercial units.

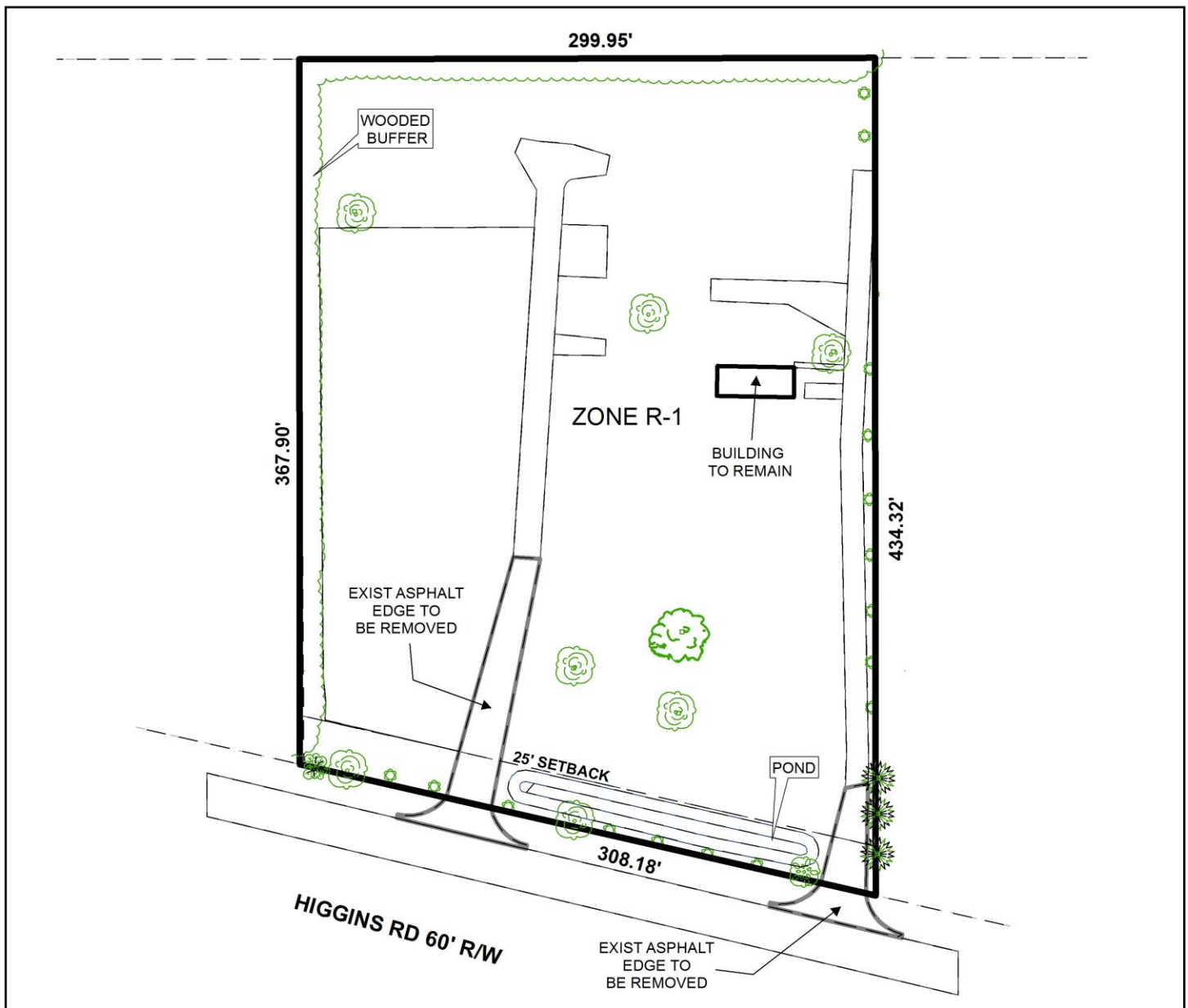
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SITE PLAN



The site plan illustrates the existing building, setback, edges to be removed, and trees.

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