

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: December 2, 2013

CASE NUMBER

5869

APPLICANT NAME

Redeemed Community Church

LOCATION

6254 Howells Ferry Road
(North side of Howells Ferry Road, 500'± West of Grider Road)

VARIANCE REQUEST

SURFACING: Surfacing Variance to allow aggregate parking, maneuvering and driveway paving surfaces for a church in an R-1, Single-Family Residential District.

TREE PLANTING: Tree Planting Variance to allow no tree plantings for a church in an R-1, Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

SURFACING: The Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking, maneuvering and driveway surfaces for a church in an R-1, Single-Family Residential District.

TREE PLANTING: The Zoning Ordinance requires 71 perimeter trees, 5 frontage trees, and 2 parking trees for a church in an R-1, Single-Family Residential District.

ZONING

R-1, Single-Family Residential

AREA OF PROPERTY

6.4± Acres

**ENGINEERING
COMMENTS**

If the aggregate surfacing is approved for use as requested the applicant will need to have the following conditions met to address un-permitted land disturbing activity on-site and within the ROW: a. Submit and receive a Land Disturbance Permit for the proposed site development, b. Submit a ROW Permit for the work within the Howells Ferry Road ROW. Aggregate surfacing will not be allowed within the Howells Ferry Road ROW.

TRAFFIC ENGINEERING

COMMENTS

If approved, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is

required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.

FIRE DEPARTMENT

COMMENTS

Access road must be at least 20ft wide, asphalt or concrete, 75,000lbs weight load, adequate turn around as stated in 2009 IFC, sec 500, and Appendix D. A fire hydrant or building sprinklers may also be required.

CITY COUNCIL

DISTRICT

District 7

ANALYSIS

The applicant is requesting Surfacing and Tree Planting Variances to allow aggregate parking, maneuvering and driveway paving surfaces, and to allow no tree planting for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking, maneuvering and driveway surfaces, and requires 71 perimeter trees, 5 frontage trees, and 2 parking trees for a church in an R-1, Single-Family Residential District.

The site was also the subject of Subdivision, Planned Unit Development, Planning Approval, and Sidewalk Waiver applications heard at the November 21st Planning Commission meeting. The Subdivision, PUD and Planning Approval applications were approved, while the Sidewalk Waiver was denied.

The applicant proposes to establish a church on the subject property which is currently used as a single-family residence. As part of the improvements for the church, an aggregate driveway, and parking and maneuvering area is proposed as well as no required tree planting for the perimeter, street frontage, or parking area.

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 *“The owner/applicant purchased this property to be used for church services and is planning to construct an 1800 SF addition. In conjunction with the building construction, they are required to construct a parking area for 39 cars. To pave the parking and the 900 foot driveway would be very expensive therefore they are requesting the use of an*

aggregate surface in lieu of asphalt or concrete. Also the parking area as shown may need to be relocated to allow for any future expansion if the church grows beyond its current 150 members. A second request is to waive the requirement to plant trees in accordance with the City's Tree Ordinance. This is a large parcel with thick wooded areas that exceed the City's requirements. Your consideration for a favorable recommendation of this request is appreciated."

The site plan submitted indicates a compliant 24' wide driveway leading from Howells Ferry Road to the parking area, which would have compliant access and maneuvering area with an aggregate surface. The distance from Howells Ferry Road to the parking area is approximately 900', and the applicant states that to pave the drive and parking area would be very expensive, and the parking area may need to be relocated to allow any future expansion if the church grows beyond its current 150 members. The reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. In this instance, the applicant has not illustrated that a literal interpretation of the Zoning Ordinance would impose a hardship, and the Board cannot consider economic hardships as a basis for justification. Also, the Fire Department comments indicate that a paved driveway of compliant design would be necessary for emergency vehicle access. Therefore, the Board should consider this request for denial.

It should be pointed out that the Americans with Disabilities Act may require the provision of wheelchair accessible parking, which may consequently require some asphalt or concrete paving. The design professional should verify ADA parking requirements and revise the site plan accordingly.

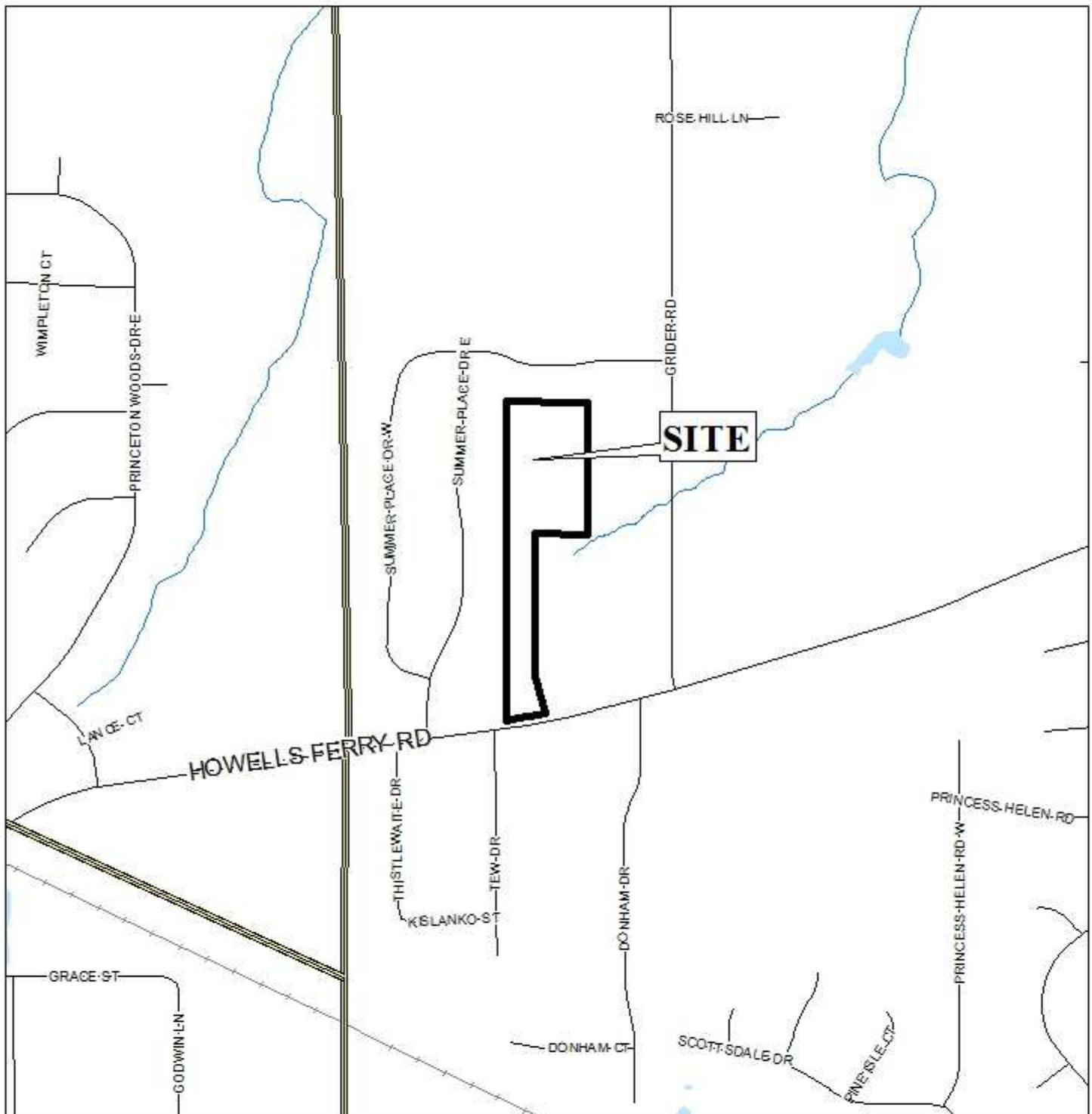
With regard to the Tree Planting Variance request, the applicant states that the site is a large parcel with thick wooded areas that exceed the City's requirements. However, the site plan identifies only one 24" Oak tree to remain and simply indicates wooded areas without any tree count or specific tree identifications. Therefore, no determination can be made as to what tree credits may be allowed and what trees may still be required to be planted on site. Since there are no specifics by which to base meeting tree planting requirements, and as the applicant has not illustrated that a literal interpretation of the Zoning Ordinance would impose an unnecessary hardship, the Board should consider this request for denial.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

LOCATOR MAP



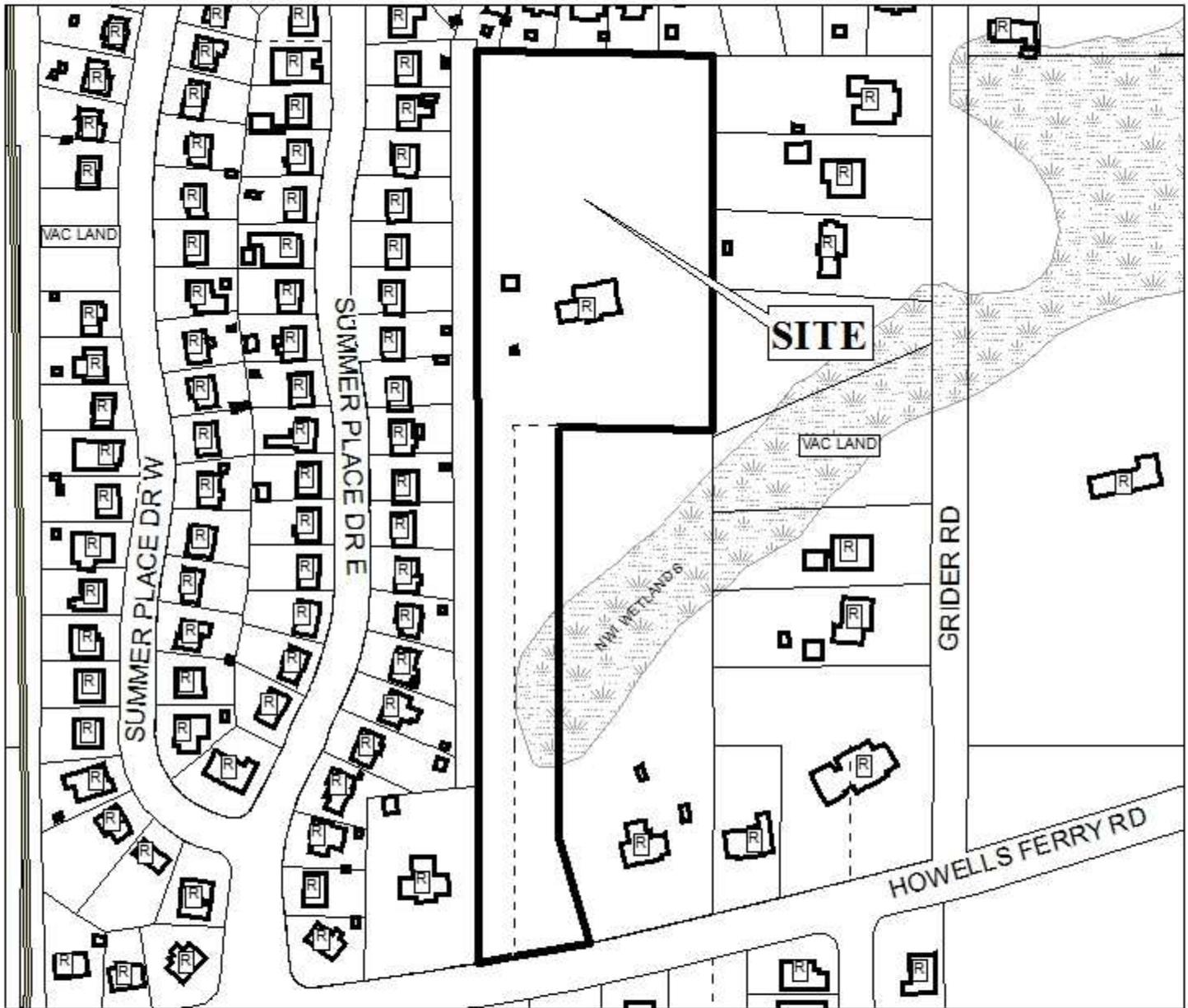
APPLICATION NUMBER 5869 DATE January 6, 2014

APPLICANT Redeemed Community Church

REQUEST Surfacing and Tree Planting Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

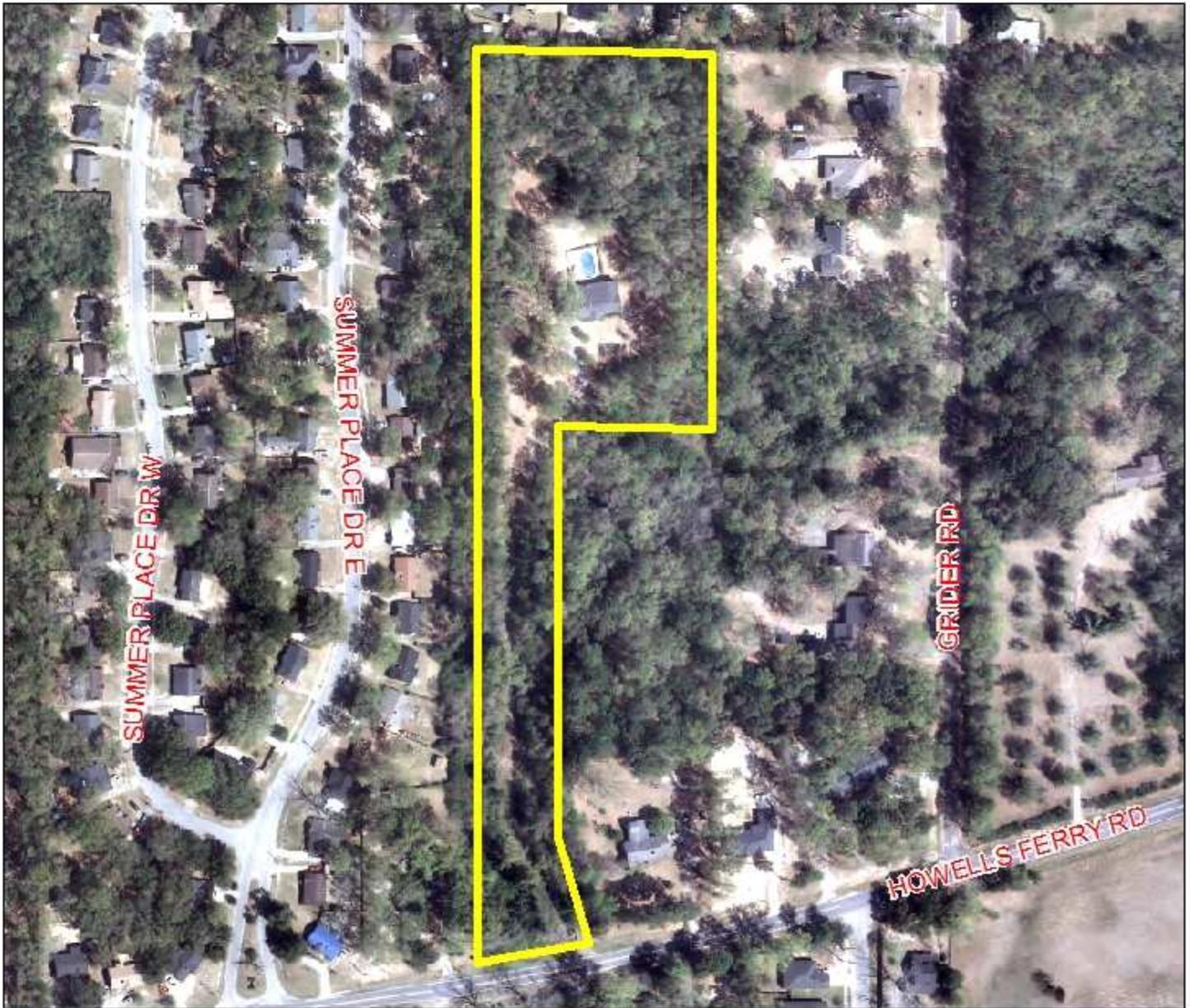
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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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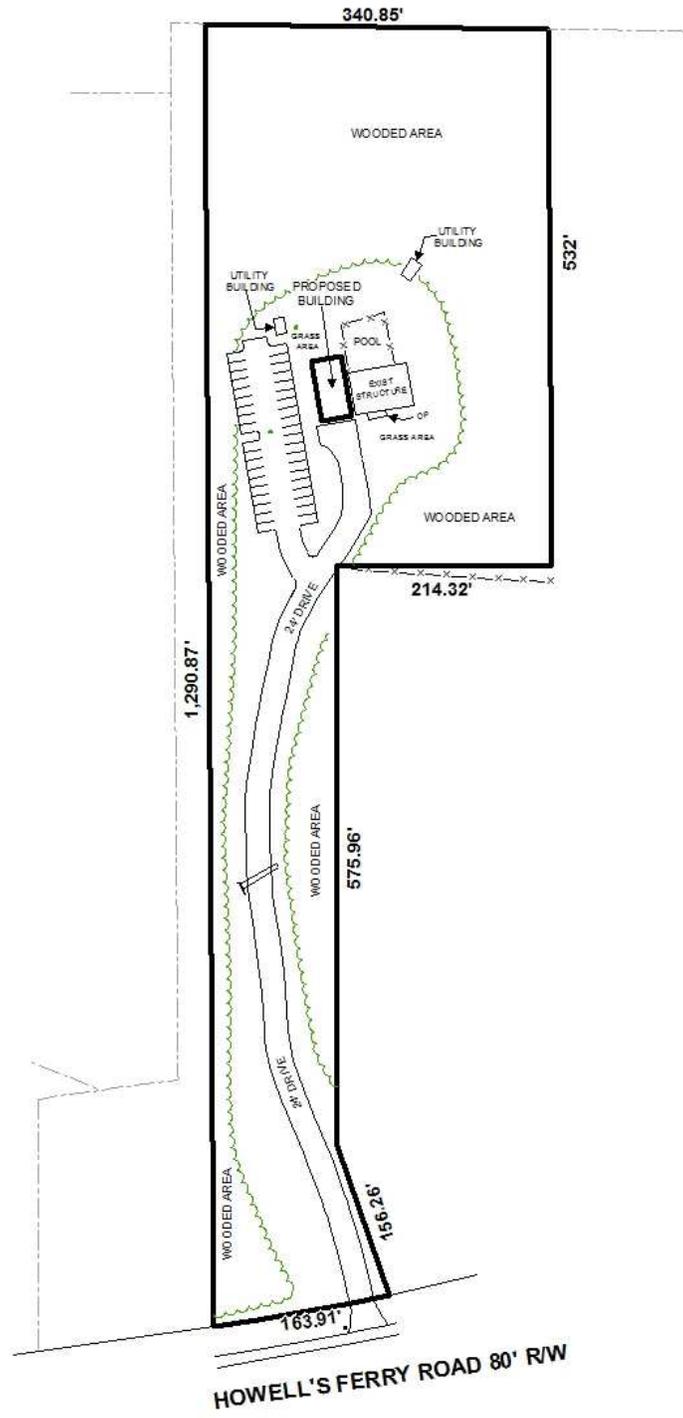
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SITE PLAN



The site plan illustrates the drive, existing structures, parking, wooded areas, and the proposed building.

APPLICATION NUMBER 5869 DATE January 6, 2014
 APPLICANT Redeemed Community Church Subdivision
 REQUEST Surfacing and Tree Planting Variances



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