

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 4, 2013****CASE NUMBER**

5810

APPLICANT NAME

Garrard Development Group

LOCATION1201 Michigan Avenue
(Southwest corner of Michigan Avenue and Bay Avenue)**VARIANCE REQUEST****FRONTAGE LANDSCAPING AND TREE PLANTING:** Landscaping and Tree Planting Variances to allow reduced front landscaping square footage and to allow three (3) frontage trees along Bay Street in a B-2, Neighborhood Business District and R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****FRONTAGE LANDSCAPING AND TREE PLANTING:** The Zoning Ordinance requires 60% of the total required amount of landscaping be placed between the building and the right-of-way with nine (9) overstory trees along Bay Street frontage in a B-2, Neighborhood Business District.**ZONING**

R-1, Single-Family Residential and B-2, Neighborhood Business District

AREA OF PROPERTY

35,931± Square feet/0.82± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting Frontage Landscaping and Tree Planting Variances to allow a reduction in the square feet of frontage landscaping and to allow three (3) frontage trees along Bay Street; the Zoning Ordinance requires that 60% of the total landscaping be placed between the building and the right-of-way with nine (9) overstory trees along Bay Street frontage.

The site as proposed will be redeveloped with an 8,320 square feet retail building; therefore, subject to compliance with all applicable codes and ordinances. Specifically, the proposed use of retail is subject to providing 12 % landscaping of the total site, 60% of this amount of landscaping must be located within the building frontage and each street frontage must provide one (1) overstory tree per 30-linear feet of road frontage. It should be noted that the site currently has 28 marked parking spaces with two handicap spaces, the minimum number of spaces required by the Ordinance.

The applicant states that due to the size of the site (0.82± Acres/53,931± square feet) the applicant cannot construct the required number of parking spaces and provide 60% of landscaping between the building and the right-of-way. The applicant goes on to state that the proposed building is the smallest possible (8,320 square feet building which is the smallest prototype used by Family Dollar). The applicant states with the smallest prototypical building, the site can only provide 1,625 square feet of frontage landscaping, which is 962 square feet short of the requirement. The width of the lot does not allow the development to meet the setback, parking and landscaping requirements, although the development exceeds the total landscaping requirement (12.8%).

Concerning the front landscaping variance, the portion of the property along Bay Street is almost entirely paved. In addition, concerning the tree planting variance, there appears to be adequate room to plant some, if not all required trees on the property. Furthermore, if the driveway area along Bay Street would be reduced to 24-feet wide, the required width for two-way traffic, would provide approximately 8-feet between the two-way aisle and the property line to plant the required trees and provide sufficient landscaping.

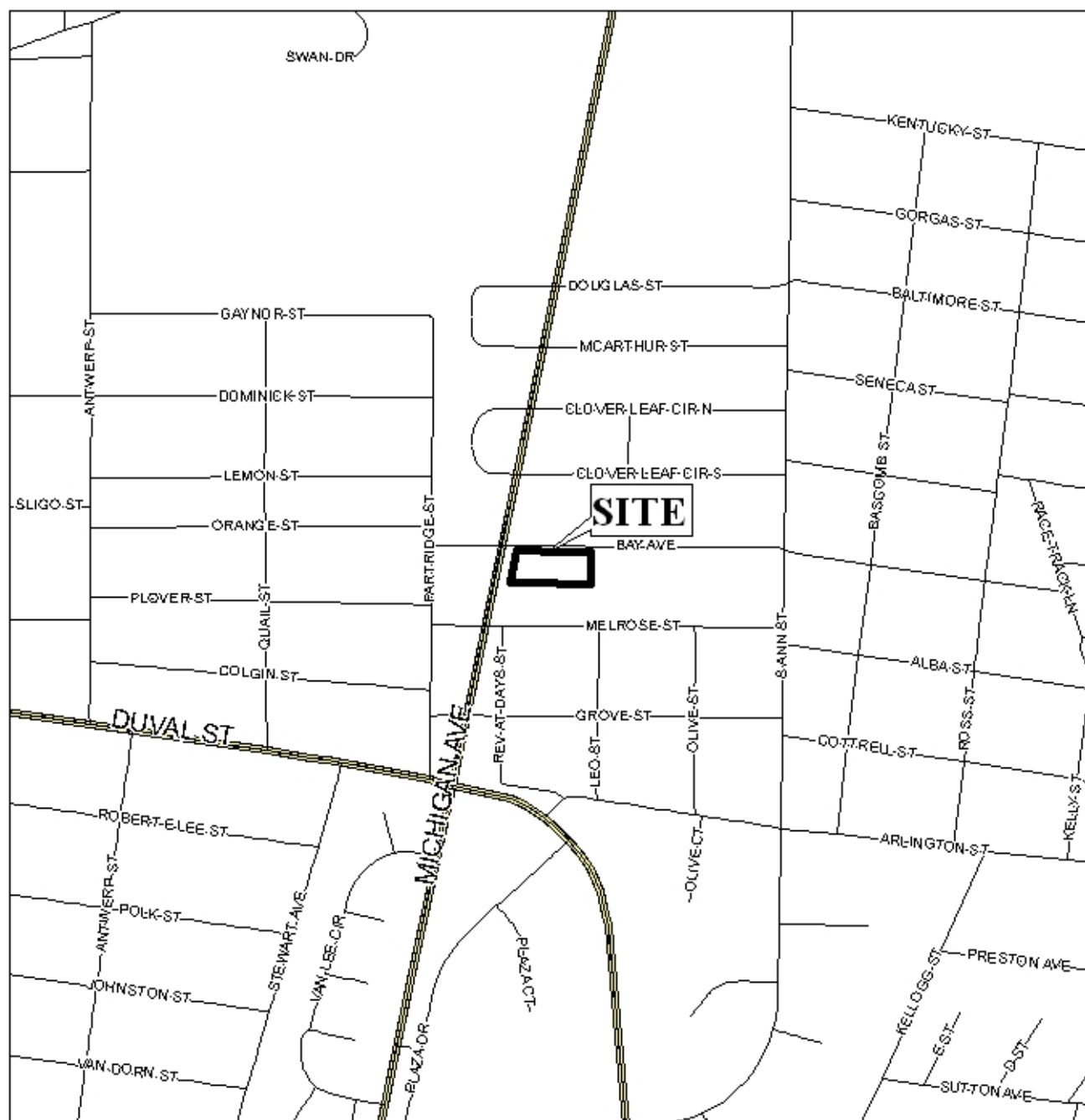
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 has not demonstrated adequate justification for a reduction in frontage landscaping and frontage trees. It is simply the applicant's desire to provide less frontage landscaping and frontage trees than required by the Zoning Ordinance. It should be noted that the site has adequate area to plant all required trees, and should therefore be required to do so.

RECOMMENDATION: Based on the preceding, the Frontage Landscaping and Tree Planting Variances are recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5810 DATE February 4, 2013
APPLICANT Garrard Development Group, LLC
REQUEST Front Landscaping/Tree Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Businesses are located to the west of the site. Single-family residences are located to the north, east, and south of the site.

APPLICATION NUMBER 5810 DATE February 4, 2013
 APPLICANT Garrard Development Group, LLC
 REQUEST Front Landscaping/Tree Variance

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	NTS
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

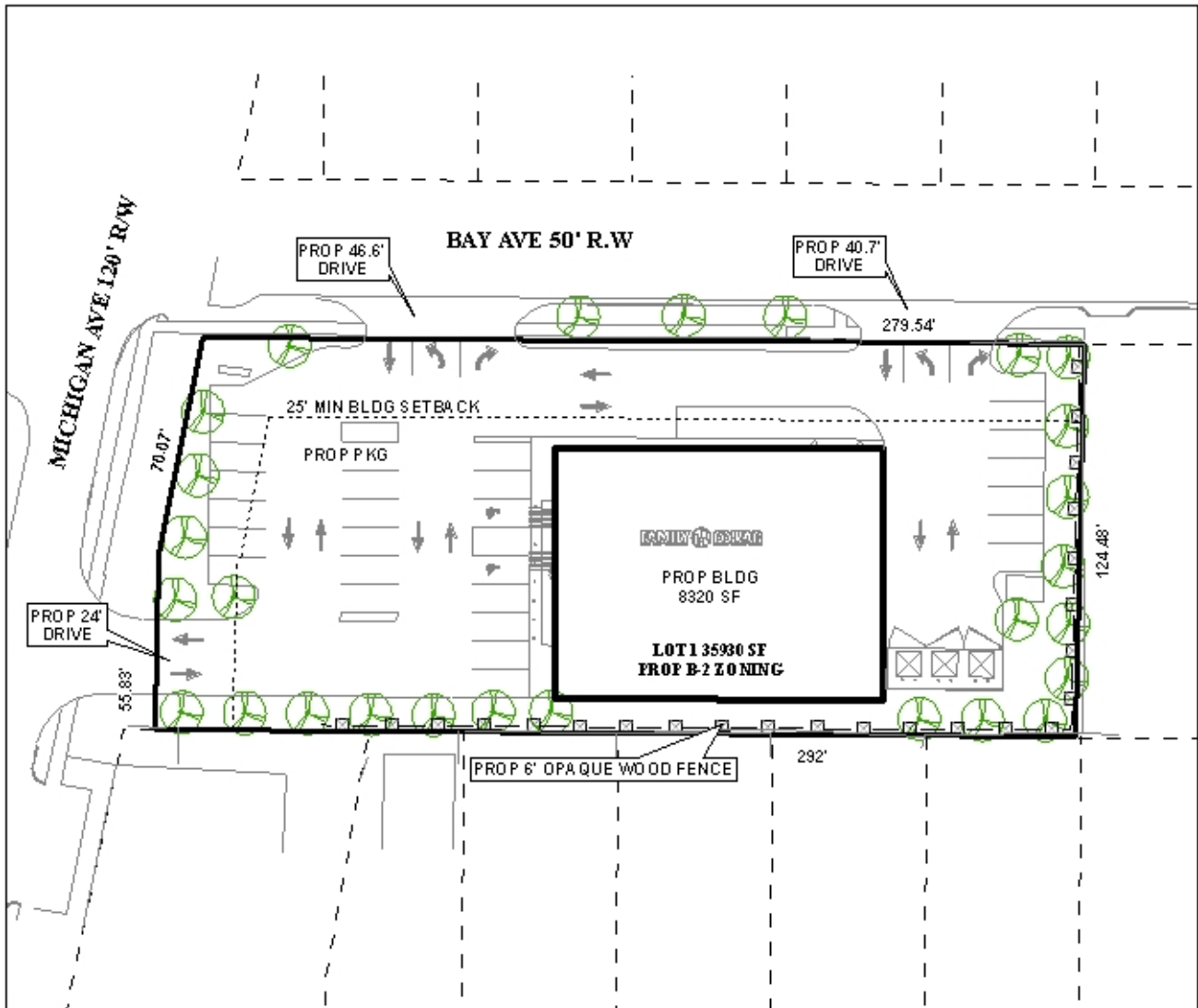


Businesses are located to the west of the site. Single-family residences are located to the north, east, and south of the site.

APPLICATION NUMBER 5810 DATE February 4, 2013
APPLICANT Garrard Development Group, LLC
REQUEST Front Landscaping/Tree Variance



SITE PLAN



The site plan illustrates the proposed retail store development.

APPLICATION NUMBER 5810 DATE February 4, 2013
 APPLICANT Garrard Development Group, LLC
 REQUEST Front Landscaping/Tree Variance

