

APPLICATION NUMBER

5146

A REQUEST FOR

**USE, OFF-SITE PARKING AND PARKING SURFACE
VARIANCES TO ALLOW A LOUNGE, WITH 34 OFF-SITE
PARKING SPACES AND AN AGGREGATE PARKING
AND MANUEVERING SURFACE IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; A LOUNGE IS
ALLOWED BY RIGHT IN A B-2, NEIGHBORHOOD
BUSINESS DISTRICT, THE ZONING ORDINANCE
REQUIRES ALL PARKING TO BE LOCATED ON-SITE,
ASPHALT, CONCRETE OR AN APPROVED
ALTERNATIVE PAVING SURFACE IS REQUIRED FOR
ALL PARKING AND MANUEVERING AREAS.**

LOCATED AT

213 FURR STREET

(West side of Furr Street, 208' ± South of Old Carline Street)

APPLICANT

CARZETTA SCOTT

BOARD OF ZONING ADJUSTMENT

DECEMBER 2002

The applicant is requesting Use, Off-Site Parking and Parking Surface Variances to allow a lounge, with 34 off-site parking spaces and an aggregate parking and maneuvering surface in an R-1, Single-Family Residential District; a lounge is allowed by right in a B-2, Neighborhood Business District, the Zoning Ordinance requires all parking to be located on-site, asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas.

The applicant states that the building served as a lounge from 1972 to 1996 and has been vacant since that time. As the property is zoned R-1, Single-Family Residential and has been vacant for more than two years, the site has lost any non-conforming status it may have enjoyed; hence this application.

Upon doing research with the Revenue Department and the State ABC Board, no business nor alcoholic beverage licenses were ever issued to this location. Also, the Land Use Section does not have any non-conforming documentation to verify that a lounge existed at this location. When referring to the Polk's City Directory, there is reference to a lounge at this location in 1992 and 1995; thus the data gives the impression that the above referenced lounge has operated without obtaining the proper licenses.

The off-site parking lot was included in a previous variance that was approved in 1997. The area proposed for off-site parking in the current application was simply shown in the 1997 application as an open area, it was not proposed for parking, storage, nor green space. Therefore, the off-site parking lot would not be affected by the previous variance, nor would this variance effect the conditions of the prior variance.

Although there are commercial uses along Furr Street, this portion of Furr Street is residential, and as illustrated on the Vicinity Map, the existing structure is residential in character.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to operate a lounge and use a gravel parking lot.

RECOMMENDATION 5146

Date: December 2, 2002

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