

APPLICATION NUMBER

**5167**

A REQUEST FOR

**USE, PARKING RATIO AND PARKING SURFACE  
VARIANCES TO ALLOW A CHURCH FACILITY IN AN I-  
1, LIGHT INDUSTRIAL DISTRICT, WITH TWENTY-NINE  
(29) ON-SITE PARKING SPACES AND TO ALLOW AN  
AGGREGATE PARKING AREA; CHURCHES OR  
RELIGIOUS FACILITIES ARE ALLOWED WITH  
PLANNING APPROVAL IN RESIDENTIAL DISTRICTS (R-  
1 – R-B) AND H-B, HISTORIC BUSINESS DISTRICTS AND  
BY RIGHT IN COMMERCIAL DISTRICTS (B-1 – B-4),  
THIRTY-FOUR (34) ON-SITE PARKING SPACES PAVED  
WITH ASPHALT, CONCRETE OR AN APPROVED  
ALTERNATIVE PAVING SURFACE ARE REQUIRED FOR  
A CHURCH WITH A SEATING CAPACITY OF ONE  
HUNDRED THIRTY-FIVE (135) AS REQUIRED BY THE  
ZONING ORDINANCE.**

LOCATED AT

**3420 BELTLINE PARK DRIVE SOUTH**

(Northeast corner of East I-65 Service Road North and Beltline Park Drive South)

APPLICANT

**LIVING WATER CHURCH OF GOD IN CHRIST**

**BOARD OF ZONING ADJUSTMENT**

MARCH 2003

The applicant is requesting Use, Parking Ratio and Parking Surface Variances to allow a church facility in an I-1, Light Industrial District, with twenty-nine (29) on-site parking spaces and to allow an aggregate parking area; churches or religious facilities are allowed with Planning Approval in residential districts (R-1 – R-B) and H-B, Historic Business Districts and by right in commercial districts (B-1 – B-4), thirty-four (34) on-site parking spaces paved with asphalt, concrete or an approved alternative paving surface are required for a church with a seating capacity of one hundred thirty-five (135) as required by the Zoning Ordinance.

The applicant proposes to convert a vacant warehouse into a church building. The applicant states that the main usage will occur Sundays, the membership of the church is approximately 80 people, they do not anticipate any traffic problems, the fenced area to the rear of the building will be utilized with 30 or more parking spaces, and that the renovation of the building will take approximately 12 to 18 months.

Although the site is located in the Trinity Gardens Commercial Development Area, the area is zoned industrially and developed as such, thus making the use of this site for a church incompatible.

As illustrated on the site plan, the applicant is proposing to provide 29 parking spaces. The site is required a minimum of 34 parking spaces based upon the seating capacity of the proposed church (135). As the site could easily accommodate the required parking, it appears that the discrepancy is simply a matter of economics.

Additionally, the site is developed with a warehouse and the applicant did not give any reasons why the property could not be used as a warehouse or any other conforming I-1 use.

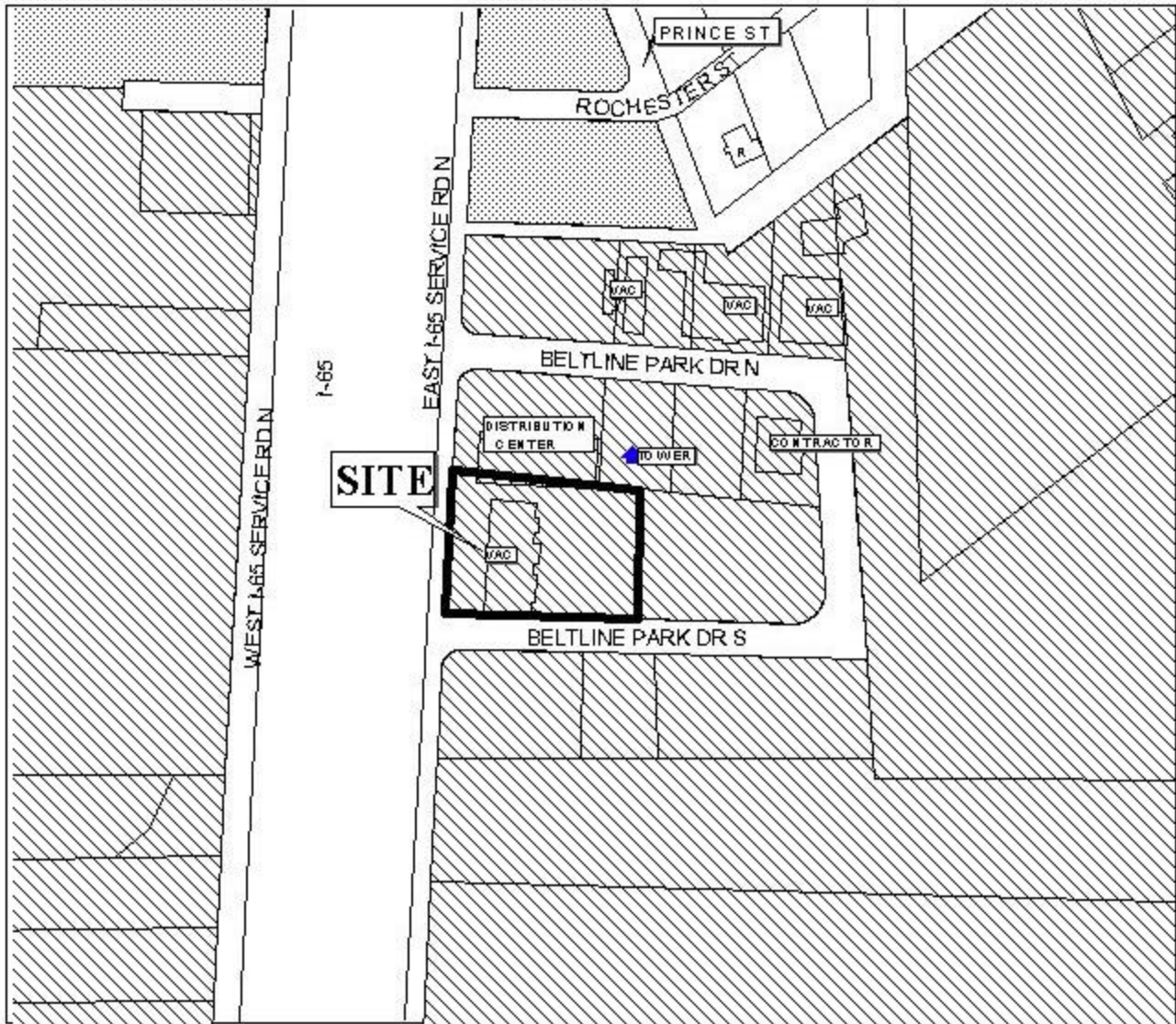
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 has failed to illustrate that a hardship exists. It is simply the applicant's desire to locate a church in an industrial district.

**RECOMMENDATION 5167****Date: March 10, 2003**

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

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial and vacant properties surround the site. A single-family residential dwelling is located to the north of the site.

APPLICATION NUMBER 5167 DATE March 10, 2003

APPLICANT Living Water Church of God in Christ

REQUEST Use, Parking Surface Variance

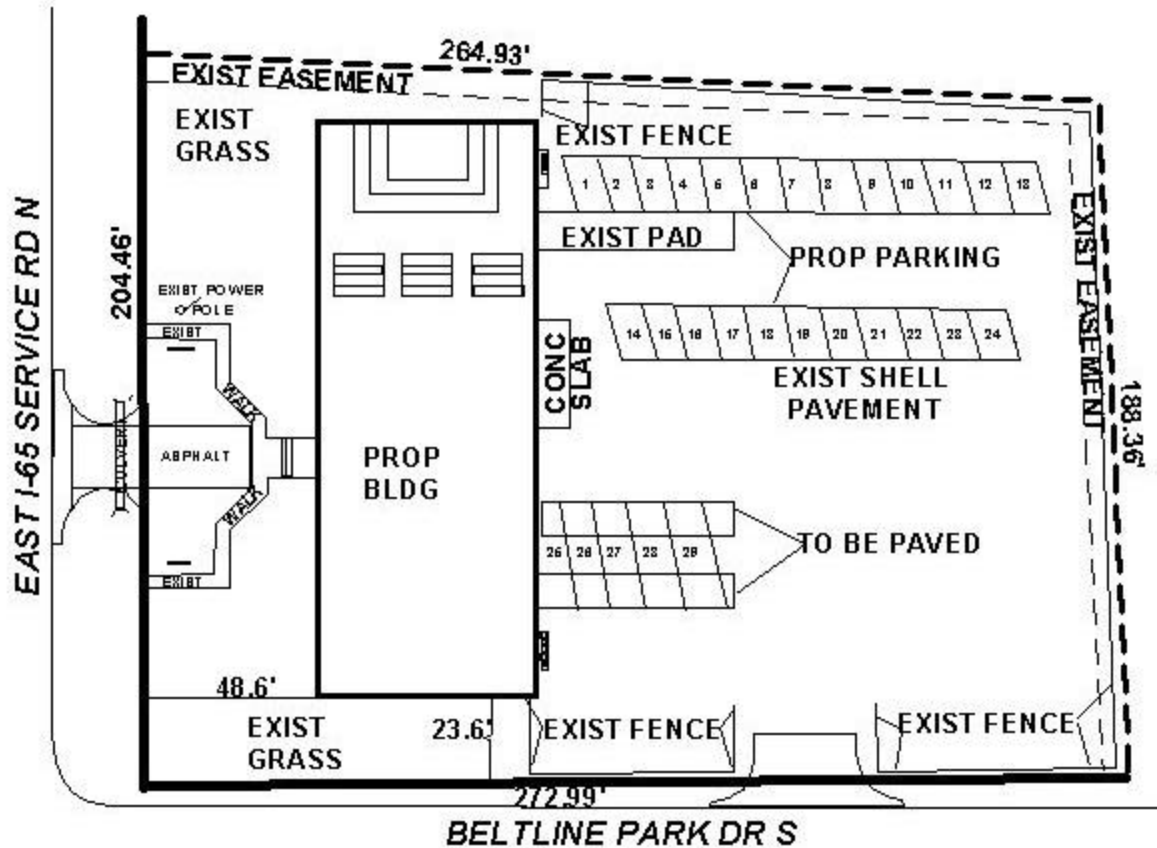
LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



NTS

# SITE PLAN



Northeast corner of East I-65 Service Road North and Beltline Park Drive South, the site plan illustrates the existing building, existing parking surface, proposed parking, and proposed building improvements.

APPLICATION NUMBER 5167 DATE March 10, 2003

APPLICANT Living Water Church of God in Christ

USE/REQUEST Use, Parking Surface Variance



NTS

