

APPLICATION NUMBER

5388/5332

A REQUEST FOR

**PARKING SURFACE VARIANCE TO ALLOW
AGGREGATE PARKING IN AN I-1, LIGHT INDUSTRY
DISTRICT; PARKING SURFACES MUST BE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING
SURFACE IN AN I-1, LIGHT INDUSTRY DISTRICT.**

LOCATED AT

West side of St. Emanuel Street, 80'± North of Short Texas Street

APPLICANT/AGENT

MARK S. BULLIS

OWNER

GRITTER FAMILY PARTNERSHIP

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2006

The applicant is requesting a Parking Surface Variance to allow aggregate parking in an I-1, Light Industry District; parking surfaces must be asphalt, concrete, or an approved alternative paving surface in an I-1, Light Industry District.

This application is a re-submittal, with modifications, of a previous request which was approved by the Board. However, no permits were obtained for the development of the site within the six months following the approval, and no extension of approval was requested, therefore, the approved Variance expired. The original request also asked for Access/Maneuvering and Landscaping and Tree Planting Variances, but the site plan has been modified to illustrate compliance with these aspects.

The applicant states that the proposed use on the site will consist of the storage of metal sheet and oversize stock, machinery and equipment storage, equipment movement by industrial forklifts and tractors, container storage, and metal fabrication. It is further stated that daily business activity requires constant traffic consisting of industrial forklifts, tractors, Class 8 tandem axel trucks, and several trucks and cranes capable of loads of 65,000 GNW (Gross Vehicle Weight), and that asphalt is not engineered to carry these loads whereas aggregate could sustain these industrial applications.

The reason aggregate is not an approved surface is because of the possibility of the surface to shift onto the right-of-way and adjacent properties, and parking spaces are not readily delineated. Furthermore, without the appropriate compaction of the subsurface materials, benefits toward impeding run-off may not be achieved, which is critical as the site is located in a flood zone. In the past, the Board has taken into consideration the type of use a parking facility would serve, and has approved aggregate surface parking facilities.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

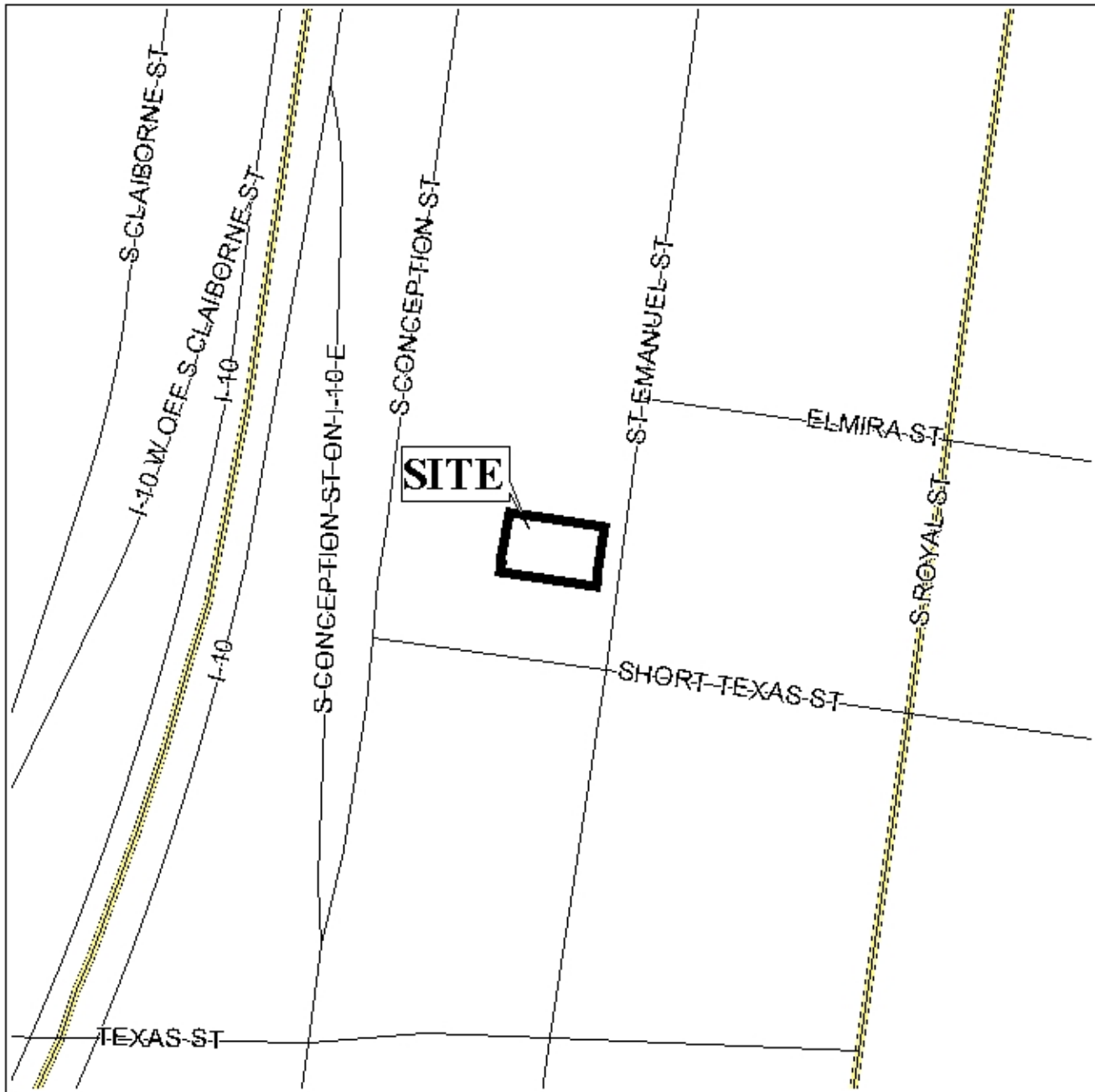
The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to develop the site without

complying with the parking surface requirements of the Ordinance. However, inasmuch as the original application was recommended for denial, but approved by the Board, and the fact that the applicant now illustrates access/maneuvering and landscaping and tree planting compliance, it would follow that this application should be approved.

RECOMMENDATION 5388/5332**Date: November 6, 2006**

Based on the preceding, this application is recommended for approval.

LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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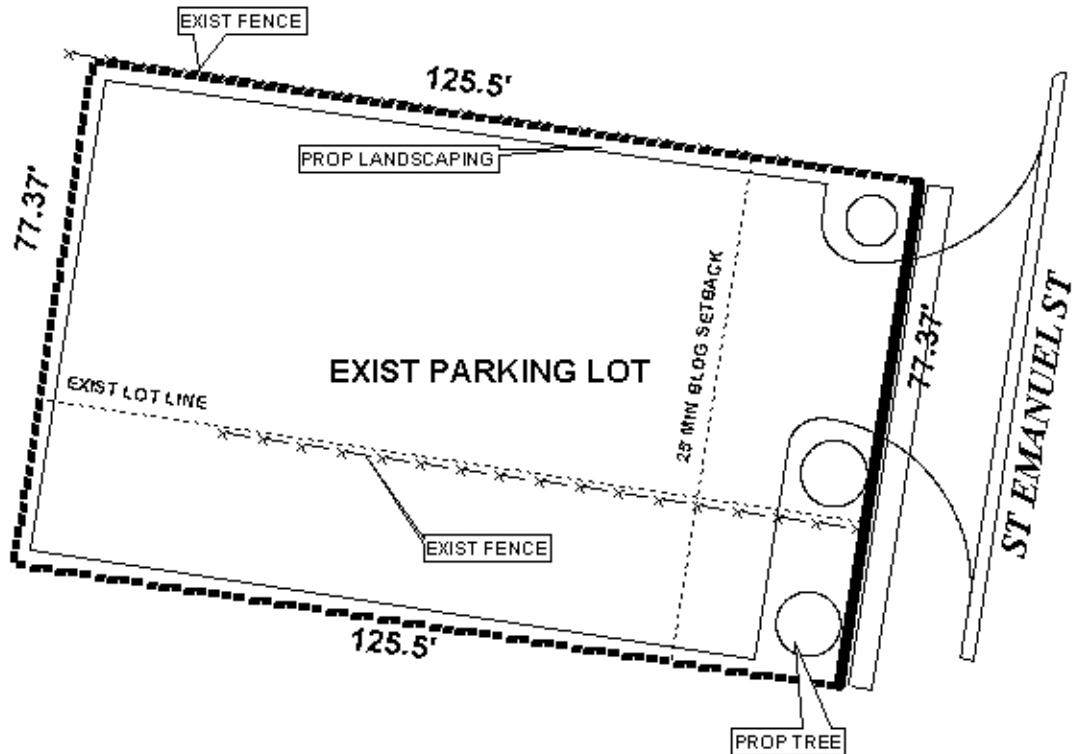
LEGEND

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



NTS

SITE PLAN



The site plan illustrates the existing fencing and parking lot

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