

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: May 5, 2014

CASE NUMBER 5893

APPLICANT NAME Kennedy Investments, LLC

LOCATION 1554 & 1558 West I-65 Service Road South
(West side of I-65 Service Road South, 0.26+ mile South of
Cottage Hill Road)

VARIANCE REQUEST **PARKING RATIO:** Parking Ratio Variance to allow 31
parking spaces for a 17,720 square foot office/warehouse
building with 10,780± square foot office/showroom and 3
warehouse employees in a B-3, Community Business
District.

**ZONING ORDINANCE
REQUIREMENT** **PARKING RATIO:** The Zoning Ordinance requires 37
compliant parking spaces for a 10,780± square foot
office/showroom with 3 warehouse employees in a B-3,
Community Business District.

ZONING B-3, Community Business District

AREA OF PROPERTY 0.91± Acres

**ENGINEERING
COMMENTS** No comments.

**TRAFFIC ENGINEERING
COMMENTS** The applicant should contact ALDOT to discuss any
requirements they may have regarding access for this site.

**CITY COUNCIL
DISTRICT** District 4

ANALYSIS The applicant is requesting a Parking Ratio Variance to
allow 31 parking spaces for a 17,720 square foot office/ warehouse building with 10,780 ±
square foot office/ showroom and 3 warehouse employees in a B-3, Commercial Business
District; the Zoning Ordinance requires 37 compliant parking spaces for a 10,780 ± square foot
office/ showroom with 3 warehouse employees in a B-3, Community Business District.

The subject site consists of two legal lots of record. The applicant proposes to demolish the two existing buildings on the smaller lot on the North of the site and use that lot for additional parking for the larger building which will remain on the lot on the South of the site. That building will be used as a flooring/cabinetry sales and distribution business. That lot was apparently developed prior to the current parking ratio requirements, and even with the addition of the adjacent lot for parking expansion, the required parking ratio will not be met; hence this variance request.

The applicant states *“Project scope consists of renovating an approx. 17,720 sf building located at 1558 West I-65 Service Road South and removal of an approx. 6,840 sf building located at 1554 West I-65 Service Road South. Area of building removal will be redeveloped with an asphalt parking area and drive aisle to access rear of building for truck deliveries. There is a 50 ft ingress/egress easement at rear of property.”*

“The building to be renovated will consist of 8,960 sf ± showroom and office space with the remainder being warehouse space. There is an existing mezzanine to remain of approximately 3,190 sf of which 1,820 sf is considered office for parking calculation purpose. The remaining area will be file storage. The parking required based on these areas is 37 spaces however the site plan can only provide a total of 31 spaces. We are requesting approval to allow for a reduction to the required parking due to the hardship that the subject property was developed prior to and without consideration for the current Land Use Ordinance. The applicant is making the best attempt possible to provide as much parking as the site will allow. In addition, the total amount of landscaping will be increase by approximately 2,409 sf.”

As the site was developed prior to the current checks-and-balances coordination with the Zoning Ordinance, it has always been substandard with regard to parking requirements. And by staff calculations for the building proposed to be retained, it occupies approximately 68% of the lot which it is on, far greater than the 50% allowed in B-3 districts. Even with the removal of the building on the North lot, the site will not allow the required number of parking spaces for the remaining building's use. However, the proposed 31 parking spaces would be a vast improvement over the 8 spaces which were provided, according to aerial photographs of the site.

Since the total percentage of destruction/rebuild for the two combined lots is less than 50%, compliance with the landscaping and tree planting requirements will not be required. As stated, the applicant proposes to increase the amount of landscaping on the site. It is advised, however, that the existing frontage trees be retained. And as the two existing lots will need to be combined into one lot, the applicant proposes to submit a one-lot Subdivision for such. It should be noted that the site coverage for the site will be approximately 46% once the two existing lots are combined into one. There is no public sidewalk along the street frontage, and the applicant also proposes to submit for a Sidewalk Waiver.

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 illustrated that a hardship is imposed by site constraints with regard to the parking ratio, and the Board should consider this variance request for approval, subject to conditions

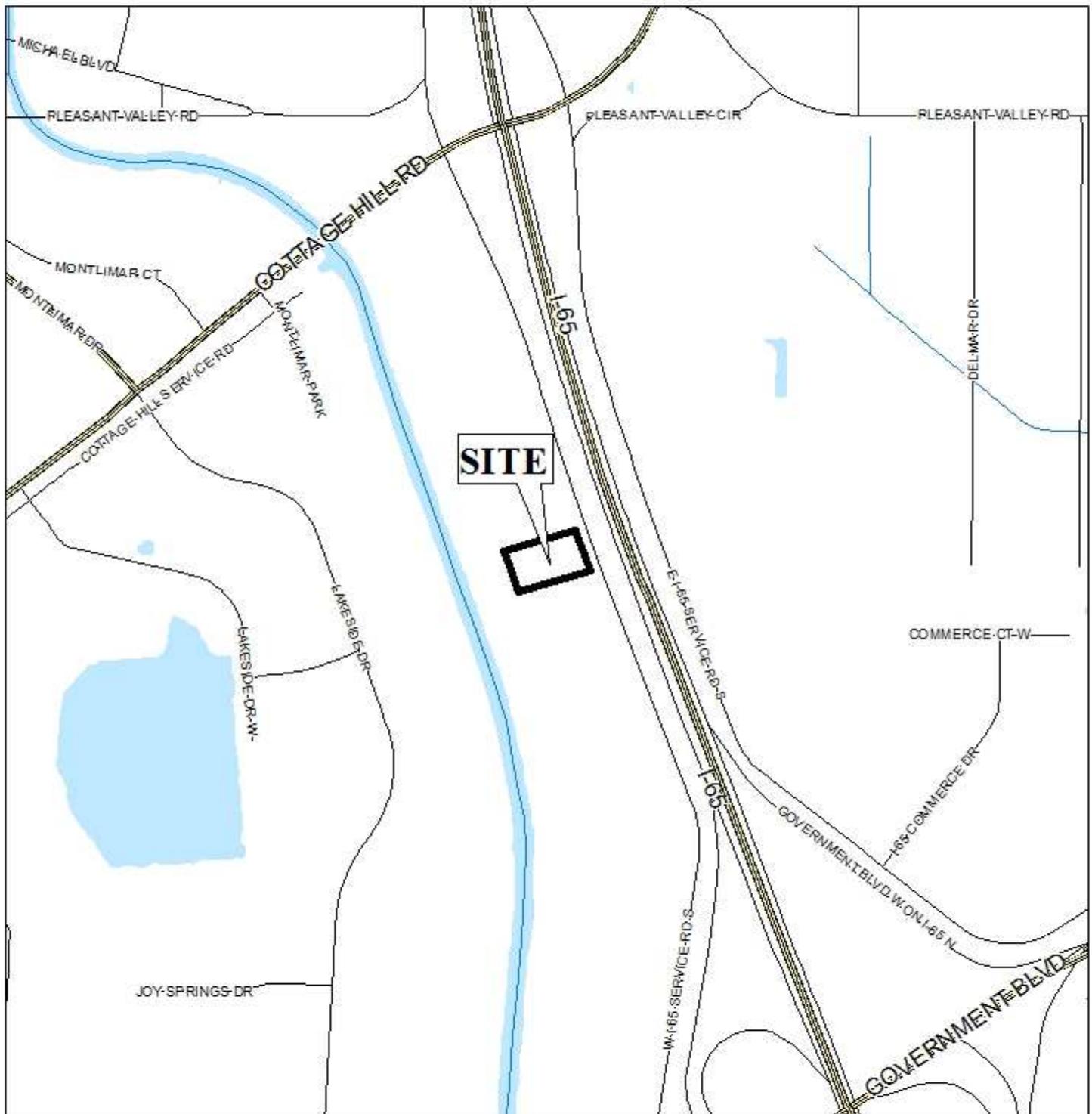
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the site will become substantially more complaint with the parking ratio requirements, the variance will not be contrary to the public interest;
- 2) These special conditions (previous over-development of the site and the size constraints of the area proposed for parking expansion) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that there will be substantially more parking spaces provided for the site than previously.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) combining the two existing lots into one lot via a Subdivision, to be completed prior to the issuance of a Certificate of Occupancy for the parking lot expansion;
- 2) the installation of a city-standard sidewalk or the granting of a Sidewalk Waiver;
- 3) retaining of the existing frontage trees;
- 4) obtaining all necessary permits associated with the demolition of the existing building on the North lot and obtaining all necessary permits for Land Disturbance to construct the proposed parking lot;
- 5) subject to the Traffic Engineering comments: *(The applicant should contact ALDOT to discuss any requirements they may have regarding access for this site.);* and
- 6) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



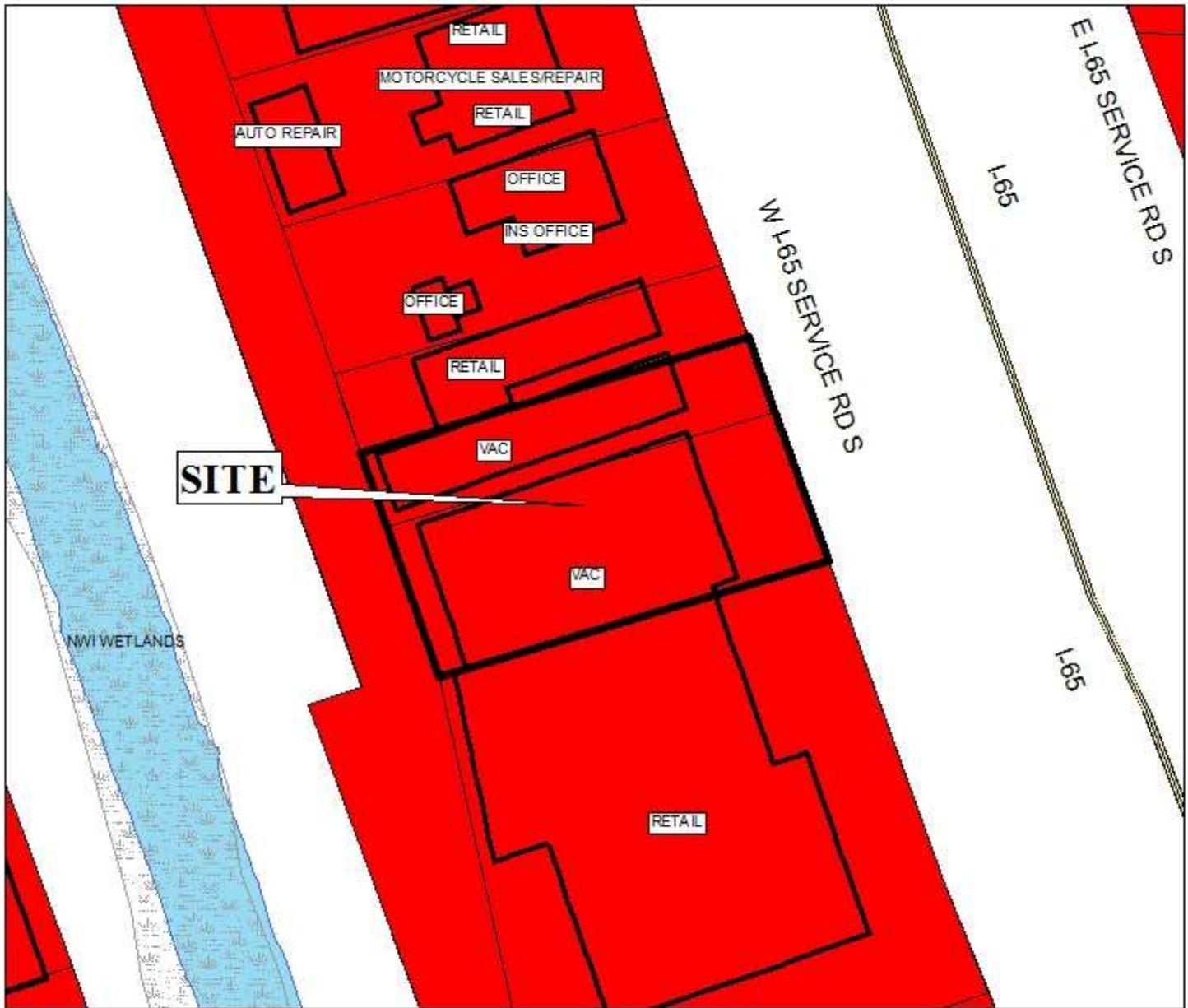
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APPLICANT Kennedy Investments, LLC

REQUEST Parking Ratio Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

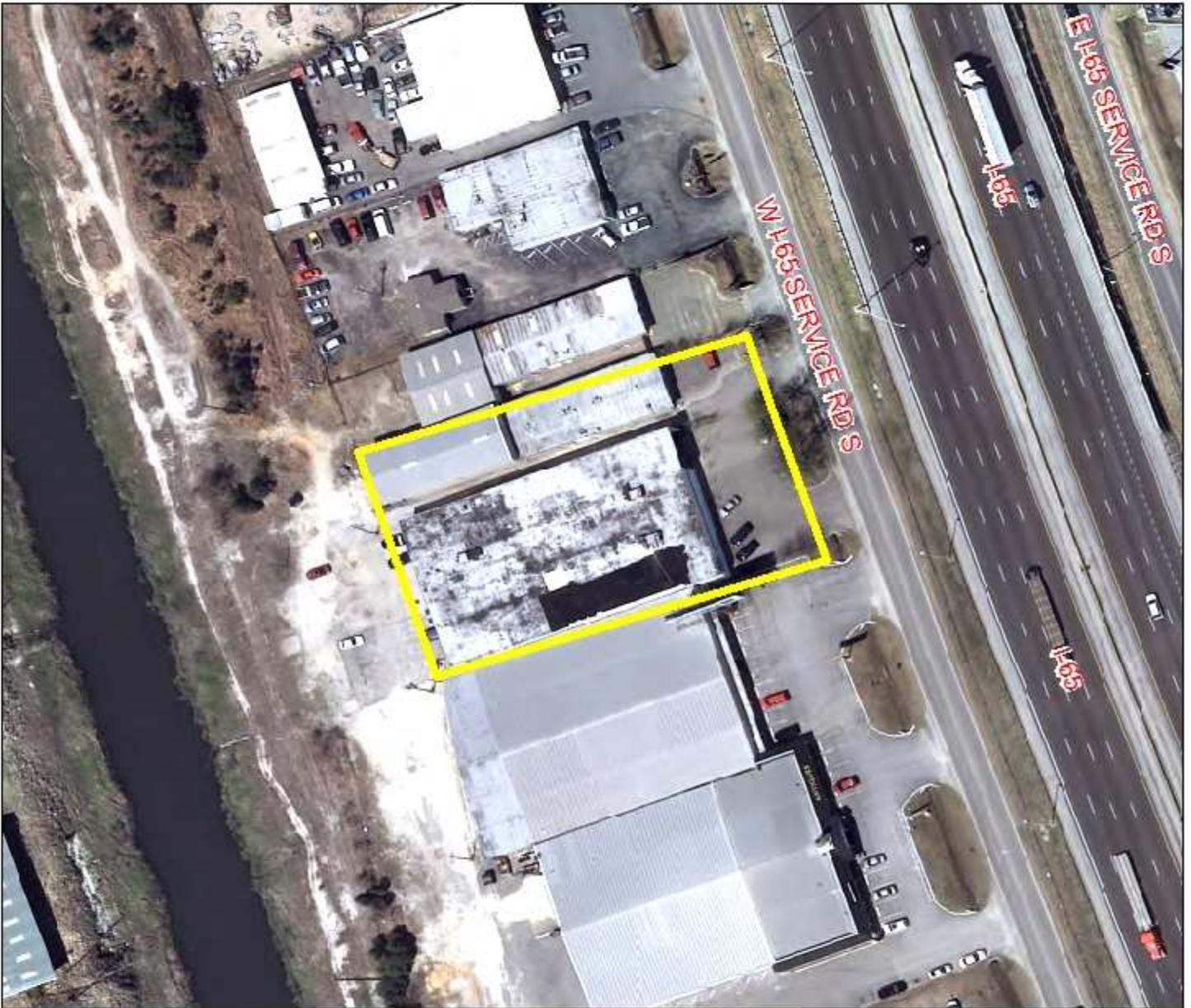
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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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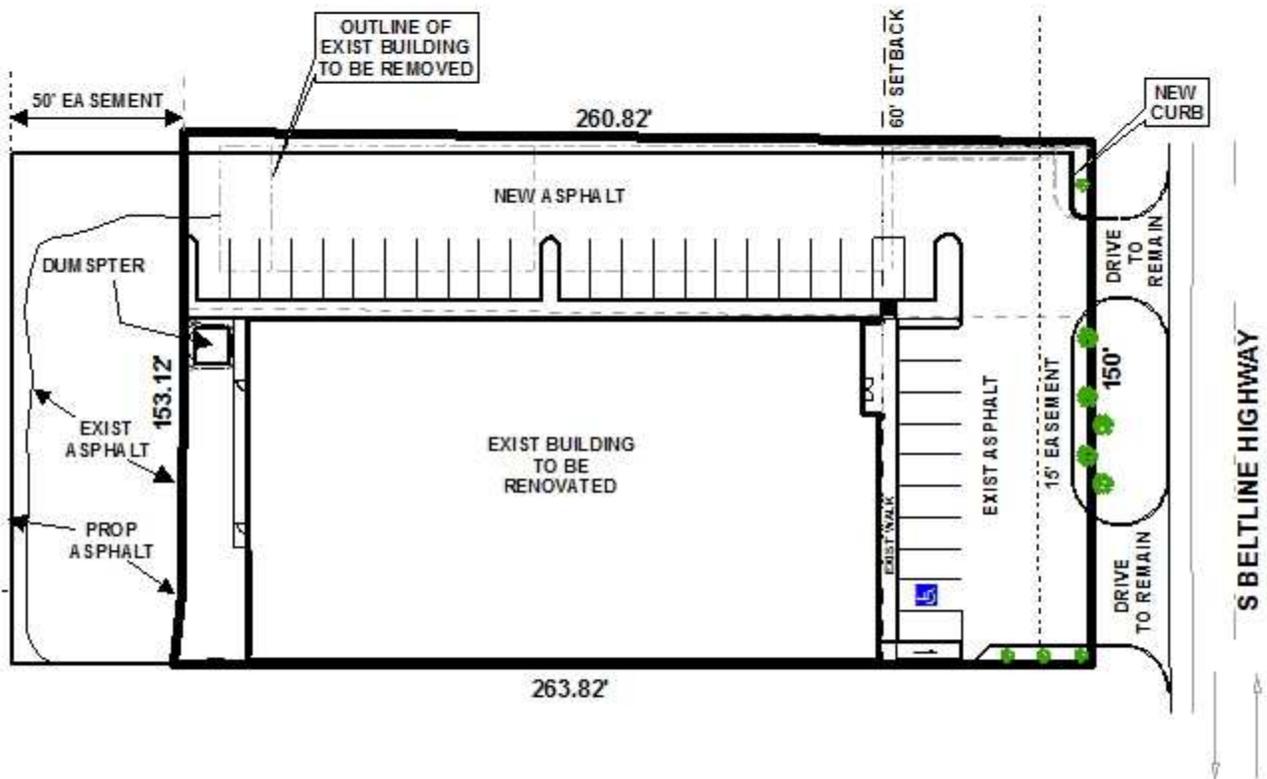
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SITE PLAN



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