

APPLICATION NUMBER

**5390**

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW A TOTAL OF  
67 PARKING SPACES ON A MULTI-TENANT SITE WITH  
A NIGHT CLUB, OFFICE AND WAREHOUSE; THE  
ZONING ORDINANCE REQUIRES A MINIMUM OF 77  
PARKING SPACES FOR SUCH USES IN A B-2,  
NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

**4658 AIRPORT BOULEVARD**

(North side of Airport Boulevard, 200' ± West of South University Boulevard)

APPLICANT/OWNER

**HARRY F. & SHEILA M. PALMER**

AGENT

**FRANK A. DAGLEY & ASSOCIATES, INC.**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2006

The applicant is requesting a Parking Ratio Variance to allow a total of 67 parking spaces on a multi-tenant site with a night club, office and warehouse; the Zoning Ordinance requires a minimum of 77 parking spaces for such uses in a B-2, Neighborhood Business District.

The subject site currently contains two retail-type buildings and a carwash, which was granted a use variance by the Board in 1977, but that structure is proposed to be removed from the site. Currently, there are 27 parking spaces on-site, but after the removal of the carwash and a parking lot expansion of an additional 40 spaces, the site will contain 67 parking spaces. The parking requirement for the existing businesses and the proposed night club is 77 spaces, ten short of the proposed number after site modifications. It is stated by the owner/applicant that the hours of operation of the proposed night club will not coincide with the hours of operation of the other two existing business on the site, a dance studio, and a video equipment repair service. The owners of those two businesses have submitted documentation for their hours of operation verifying such and that they have no problem with the sharing of parking spaces.

Inasmuch as there is no calculated deficiency of parking spaces for the site during the hours of operation of the different businesses having different standards for determining the amount of parking facilities required, the Zoning Ordinance does not make allowances for such combined uses under different hours of operation. The Ordinance states "...where facilities are combined and used jointly by two or more uses having different standards for determining the amount of facilities required, the off-street parking facilities shall be adequate in area to provide the sum total of the facilities required of all such uses."

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 have multiple tenants

requiring 77 parking spaces operating on a site which can only provide 67 parking spaces.

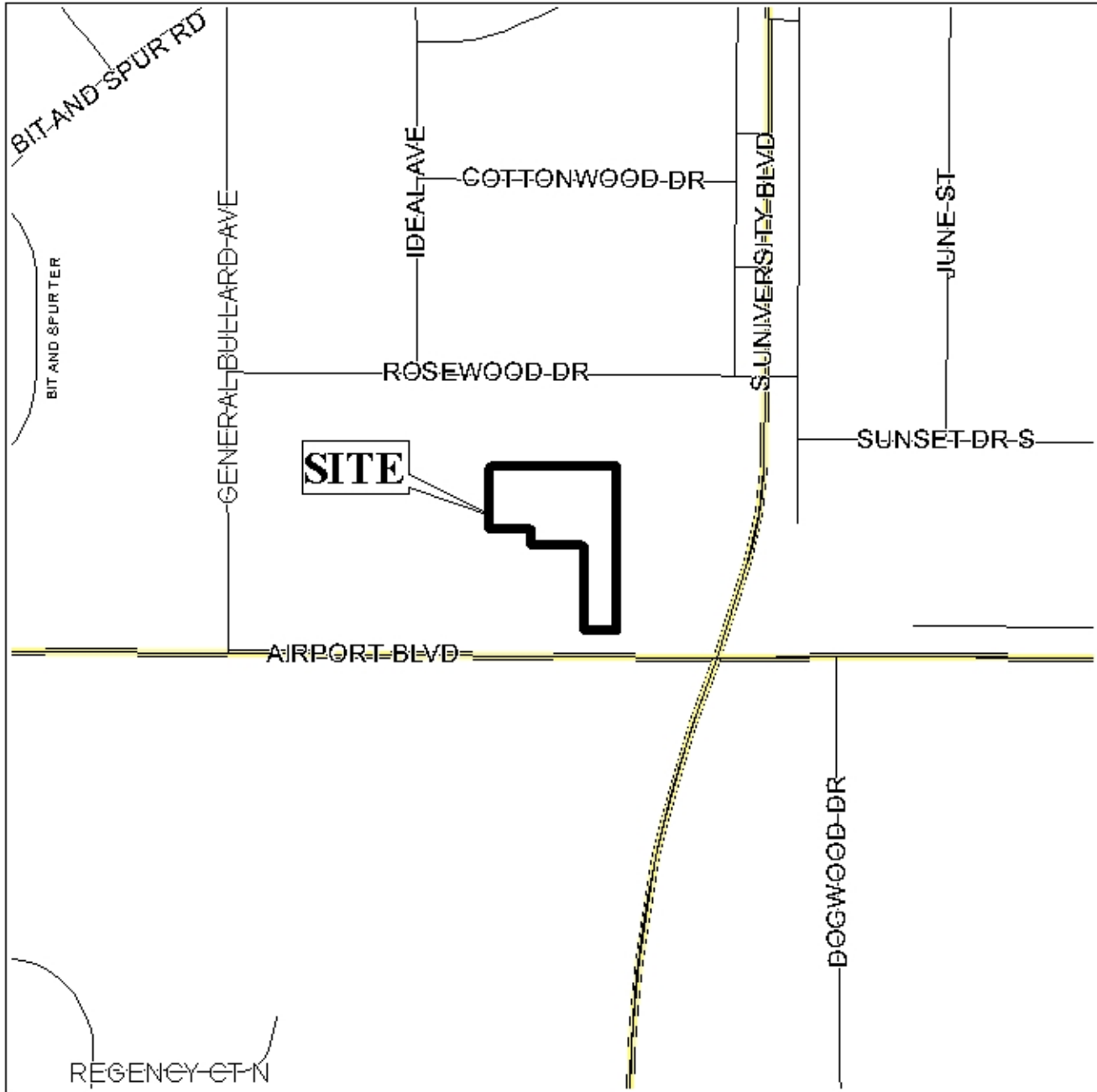
**RECOMMENDATION 5390**

**Date: November 6, 2006**

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

# LOCATOR MAP



APPLICATION NUMBER 5390 DATE November 6, 2006

APPLICANT Harry & Sheila Palmer

REQUEST Parking Ratio Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north and east of the site.  
Commercial sites are located to the east, west, and south of the site.

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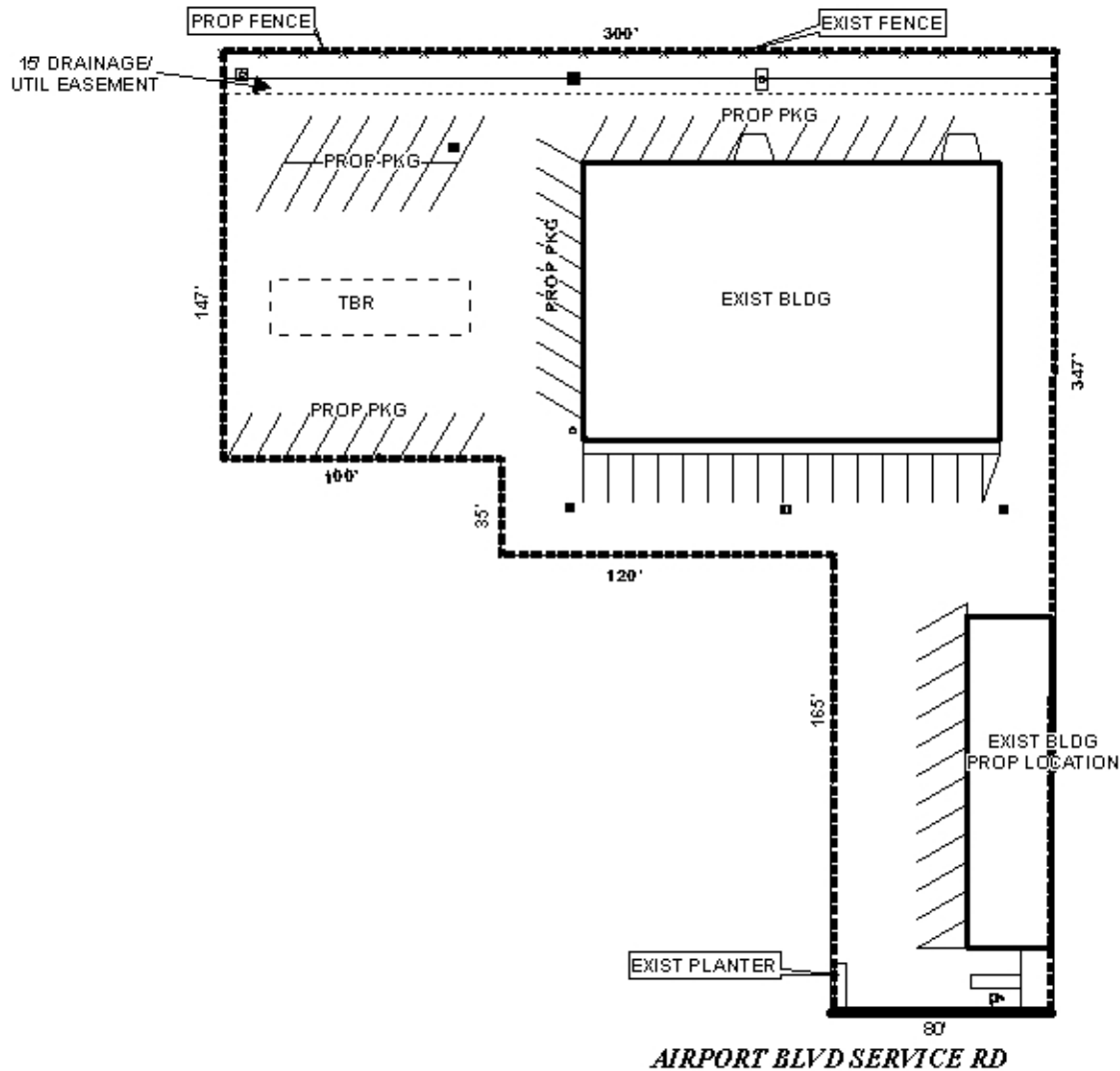
REQUEST Parking Ratio Variance

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



# SITE PLAN



The site plan illustrates the existing buildings, buildings to be removed, existing parking, and proposed parking.

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 REQUEST Parking Ratio Variance



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