



## Legislation Text

File #: 19-1076, Version: 1

**ZV 2019-05, Holiday Showplace Plaza, 9101 - 9163 Taft Street, variance request. (Dean)**

### **SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:**

Angela Martin, as agent for owner, is requesting a variance to allow the existing 124 parking spaces instead of the code required 139 parking spaces for Holiday Showplace Plaza. This plaza was built in 1976 (SP 74-05) and is considered existing legal non-conforming. Parking requirements and means of evaluating required parking have changed since the project was originally developed.

Proposed variance request would bring existing conditions into compliance, allow for minimal flexibility in future tenant mix without creating future parking issues. The existing parking chart showing required parking is included with attached Variance Request Application.

Due to the incorrect number of required parking spaces being used in the original public notice and advertising, this item was deferred from the August 8, 2019 meeting to this meeting.

### **VARIANCE REQUEST DETAILS:**

**ZV 2019-05)** Allow 124 parking spaces instead the required 139 parking spaces for Holiday Showplace Plaza.

*Code Reference:* §155.251 AMOUNT OF OFF-STREET PARKING REQUIRED

- (A) Other uses. Minimum parking shall be required as set forth in Parking Chart.  
(attached)

### **VARIANCE DETERMINATION**

The Planning and Zoning Board shall not grant any non-single-family variances, permits, or make any decision, finding, and determination unless it first determines that:

1. Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.
2. In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

- A) That there are special circumstances or conditions applying to the land or building for

which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or

- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.