



## Legislation Text

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**File #:** 20-0058, **Version:** 1

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**ZV 2019-09, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean)**

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

Tod Workman, as agent for owner, has submitted three (3) variance requests for existing conditions at the Weekly Asphalt Plant located at 20701 Stirling Road:

To allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces; to allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane and to allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties.

These variances, along with proposed Site Plan #SP 2018-09 (to be reviewed by the Planning & Zoning Board at a future P & Z Board meeting) are to bring into compliance a number of structures and improvements made on this property over the years.

### **VARIANCE REQUEST DETAILS:**

**ZV 2019-09)** Allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces.

*Code Reference:* §155.248 PARKING SPACE DIMENSIONS.

(B) Standard parking spaces must adhere to one of the following consistent with the city's engineering standard which may be amended from time to time (as maintained by the City Engineer): (1) Outparcel buildings and free standing buildings of over 3,000 square feet of gross floor area may be permitted a maximum of three short-term parking spaces.

(1) Nine by 19 feet, including a wheel stop which is placed three feet from the curb or edge of pavement;

### **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.