

CITY
-----OF-----INTER-OFFICE COMMUNICATION
GAINESVILLE

TO: Board of Adjustment
FROM: Planning Division Staff

DATE: Tuesday, January 10, 2017

SUBJECT: Petition BA-16-10 VAR. EDA Engineers-Surveyors-Planners, Inc., (Stephanie Sutton), Agent for Exactech Inc. Request for a variance in accordance with Sec. 30-354(d) (3) and Sec. 30-70(d) of the Land Development Code to allow reduction of the interior side setback from 20 feet to 10 feet for construction of a parking structure. Zoned I-2 (Industrial). Located at 2321 NW 66th Court.

Background:

The subject property is located in the Northwest Industrial Park located between NW 13th Street and North SR 121 (NW 34th Street). Lots within the area vary in size and shape and have experienced many title changes, property division and building construction practices which are not always consistent with current zoning standards. The majority of properties within the area are zoned I-2, General Industrial. The property was annexed into the city in 1992 and was most likely zoned MS (Local Service Industrial district), which is an older zoning category used prior to the I-2 zoning categories.

Explanation of Request:

This petition addresses a request to reduce the northwest and southeast side yard setback from 20' to 10' for construction of a parking garage which will serve a larger development on properties across the street. According to the applicant, due to the inflexible nature of a parking garage design, there is not much variability in the width of the building. In order to fit drive aisles and parking spaces in an efficient layout, a very specific footprint is required which dictates the ultimate design and thus the need for the requested variances. The property is approximately 1.65 Acres and is developed with a 21,623 square foot metal building that complies with the setback requirements

Analysis of request:

Staff has reviewed this petition in the context of Section 30-354(d) (3) and Section 30-70 of the Land Development Code. This section of the code defines variances and authorizes the Board of Adjustment to grant variances from certain provisions of the code, places restrictions on granting these variances, and outlines the general requirements for granting of a variance. This is a request for reduction of the side yard setbacks and therefore classifies as a type of variance that may be authorized by the board.

Staff identifies the following issues as directly related to the variance request:

- 1. The shape and size of the lot is comparable to most lots within the general area and there appears to be no characteristics of the lot that makes it uniquely different from other lots in the area.**
- 2. The lot is currently developed with an existing building which complies with existing development standards.**
- 3. The proposed building on the site is a parking garage which demands specific dimensions.**
- 4. There are surrounding properties zoned I-1 which has a side setback of 10 feet, similar to what is requested by the applicant.**

In considering a request for a variance, the code requires that the board establishes a finding that the request demonstrates the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The subject property is unique in that the proposed use is unlike uses typically found within industrial districts. It is also unique in that the setback requirements are primarily intended to allow separation from other properties and the need to allow adequate circulation for vehicles operating on the site. The proposed building is different in that most of the automobile activities will occur within the building minimizing the need for extra-large setbacks. Another important aspect of the proposed development is the need for a pre-determined dimensional requirement that would make a parking structure feasible. In this case, the width of the property is such that a reduction of the side setbacks would be necessary to meet the spatial requirements of the parking structure. Those features limit the amount of developable space and restrict the freedom of design available to most parcels and fit the criteria for granting a variance and are worth due consideration by the board in formulating its decision.

2. That literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or Building code.

Strict application of the standards of the zoning district does not deprive the applicant of all development rights commonly enjoyed by other property owners but it limits freedom of design and the ability to utilize the full real estate potential of the subject parcel. The preferred architectural style and building orientation cannot be laid out consistent with the required side setback and the dimensional requirements of a feasible parking structure. In this specific instance, it will prevent construction of a parking structure which is feasible for the overall project.

3. That the special conditions and circumstances do not result from the action of the applicant.

The action of the owners to construct a building in a preferred design and orientation is considered a direct result of the actions of the applicant. However, due to existing land ownership patterns and selection of a most appropriate location for a parking structure, the applicant is forced to consider options available under the flexibility options of the code.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands, structures or buildings in the same district.

Granting the variance request based on findings of fact will not confer upon the applicant any special privileges that are denied to other land, structures or buildings in the same district. The board must consider the material facts and competent substantial evidence in reaching a decision on the requested variance. A variance based on competent substantial evidence and the listed criteria establishes a sound basis for deviating from the zoning standards and is not considered a special privilege.

5. The evidence presented justifies the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The applicant has provided documentation addressing the findings of fact necessary to grant a variance. The evidence presented by the petitioner demonstrates the site limitations given the required side setbacks. Evidence is also presented illustrating the relationship of surrounding developments to the required setbacks and the need for specific dimensional requirements for a parking structure.

6. *Granting of the variance will be in harmony with the general intent and purpose of the zoning or building chapters and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The intent of the variance procedure is to provide relief to property owners who have demonstrated hardships in pursuing development in strict compliance with the Land Development Code. The intent of the code is to establish reasonable separation between buildings and to allow for a certain degree of outdoor space consistent with the specific neighborhood. To some extent, those factors relate to the neighborhood, lifestyle, cultural and socioeconomic factors; the setbacks therefore vary from one area to another based on the character of the respective area. The purposes of setbacks are to prevent infringement on property rights; to allow space for building amenities; to allow light and sunshine onto adjacent buildings; to lessen congestion and overcrowding of lots; to improve fire safety conditions; to facilitate the provision of public facilities serving individual properties; and to address unique aspects of an area. In considering a request to modify established setbacks, it is therefore important that the board consider the potential impact of the modified setbacks on the immediate and surrounding neighborhoods.

Given the existing pattern of surrounding developments and the unique features of the subject parcel, granting the variance will not result in negative impact to the pattern and character of developments within the neighborhood.

The petitioner must demonstrate compliance with the findings necessary to issue a variance and show restricting hardships.

Respectfully Submitted:

Signature: _____

Title: Lead Planner

Date: Friday, January 06, 2017

LDC: ldc

Attachments:

Appendix A: Application and Supporting Documents.

Appendix B: Relevant Comprehensive Plan and Land Development Code References.