



CITY OF ATLANTIC BEACH
COMMUNITY DEVELOPMENT BOARD
STAFF REPORT

AGENDA ITEM	4.C.
CASE NO	ZVAR-13-00100058 <i>Request for variance from Section 24-161(h), to allow a reduction in required parking from 19 spaces to 11 spaces.</i>
LOCATION	58 10TH STREET WEST
APPLICANT	TED JACKREL
DATE	JUNE 18, 2013
STAFF	JEREMY HUBSCH, REDEVELOPMENT AND ZONING COORDINATOR

STAFF COMMENTS

The applicant is requesting a Zoning Variance to allow a reduction in required parking from 19 spaces to 11 spaces. The applicant is seeking to construct a new building that is roughly 7,500 square feet for an electric vehicle sales business. Section 24-161 (h) of the Land Development Regulations states that 1 parking space will be required for every 400 square feet of gross floor area. The application states that 90% of sales come from online business. Staff has not verified those sales figures, but can confirm that their website is of a high quality and heavily geared towards online sales.

The applicant also owns a 4,320 square foot building on 9th Street West, a block south of the proposed site. The applicant states that he will be parking at this building, and that the parking at the 58 West 10th Street site will primarily be used for employees. The applicant may have an internet based business now, but there is a possibility that the proposed use could evolve into more of a retail business driven by customers who visit in person. There is also no guarantee that the applicant will continue to own the nearby building on 9th Street. In fact, the building is currently listed for sale. As such, staff believes it would be prudent to have the applicant sign a shared parking agreement with First Baptist Church of Atlantic Beach in the event that overflow parking is needed. First Baptist Church is located adjacent to the proposed site on 10th Street, has ample parking, and has hours of operation that do not appear to coincide with the proposed business.

Section 24-161 (f) (2) states, "Parking spaces for uses other than residential uses shall be provided on the same lot or not more than four hundred (400) feet away, provided that required off street parking shall in no case be separated from the use it serves by arterial streets or major collector streets, or other similar barriers to safe access between parking and the use. A shared parking agreement shall be required where offsite parking is used to meet parking requirements. In such cases, the uses sharing parking must demonstrate different peak hour parking needs." The First Baptist Church appears to meet all the necessary criteria for a shared parking agreement.

Criteria for a Zoning Variance

1. **Exceptional topographic conditions of or near the property.** There appear to be none.
2. **Surrounding conditions or circumstances impacting the property disparately from nearby properties.** There appear to be none.
3. **Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.** The applicants operate a business that is largely driven by internet sales. Only an estimated 10% of all customers are from traditional in person visits. Therefore, they may not have the parking needs that typical businesses do.
4. **Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.** The property is vacant.
5. **Irregular shape of the property warranting special consideration.** The property is regularly shaped.
6. **Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.** The lot is well above the minimum size of 5,000 square feet for Commercial General (CG).

Subject Site and Surrounding Properties



Figure 1. 58 10th Street West and surrounding properties (Google Maps)



Figure 2. 58 10th Street West looking east

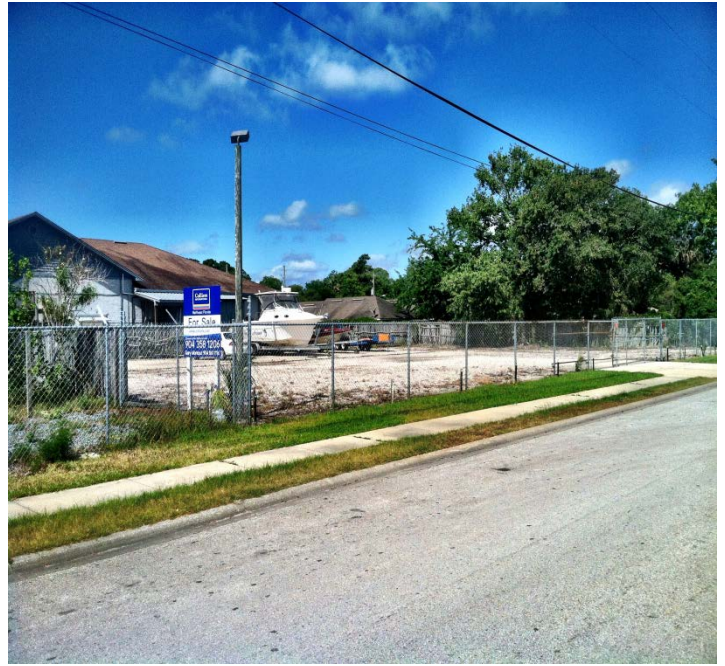


Figure 3. 58 10th Street West looking west



Figure 4. First Baptist Church parking area



Figure 5. First Baptist Church parking

SUGGESTED ACTION TO RECOMMEND APPROVAL

The Community Development Board may consider a motion to recommend approval to the City Commission of a requested Zoning Variance (File No. ZVAR 13-00100059) to allow for a reduction in required parking spaces from 19 to 11 for property within the Commercial General (CG) Zoning District and located at 58 10th Street West provided:

The proposed variance is consistent with the provisions of Section 24-64 (d) of the land development regulations establishing ground for approval of a variance, as follows:

- (1) There are exceptional topographic variations affecting the subject property.
- (2) There are surrounding conditions or circumstances impacting the property disparately from nearby properties.
- (3) There are exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.
- (4) There is an onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.
- (5) The subject property has an irregular shape.
- (6) The subject property is of substandard size.

If the Community Development Board does agree to recommend approval, staff suggests that the following condition be placed on the approval:

- (1) A formal shared parking agreement with First Baptist Church be submitted to the city of Atlantic Beach.

SUGGESTED ACTION TO RECOMMEND DENIAL

The Community Development Board may consider a motion to recommend denial to the City Commission of a requested Zoning Variance (File No. ZVAR 13-00100059) to allow for a reduction in required parking spaces from 19 to 11 for property within the Commercial General (CG) Zoning District and located at 58 10th Street West provided:

The proposed variance is inconsistent with the provisions of Section 24-64 (d) of the land development regulations establishing ground for approval of a variance, as follows:

- (1) There are no exceptional topographic variations affecting the subject property.
- (2) There are no surrounding conditions or circumstances impacting the property disparately from nearby properties.
- (3) There are no exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.
- (4) There is not an onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.
- (5) The subject property does not have an irregular shape.
- (6) The subject property is of standard size.