
Agenda Item # 6: APP-2019-03 Pete's Otto Shop (401 E. Ann St./1113 Marion St.)

Chairman McCall called the case. Ms. Tolley stated that the applicant, Tiger Berard with Pete's Otto at 401 E. Ann St/1113 Marion St., was asking for two variances. The applicant is requesting variances to LDR Section 214 Table 2 as it pertains to the minimum front yard setback in a C-H zoning district, and to LDR Section 222-3(A) as it pertains to off-site parking. The properties, consisting of a total of 0.75 acres, are zoned C-H and C-C. One parcel is undeveloped, and the second parcel contains the applicant's motor vehicle repair shop. The applicant is proposing to build a 2,220 square foot building as additional work space, and to construct a small parking lot on the vacant parcel at 1113 Marion Street. The applicant is proposing to place the building even with the existing building, which would be at its closest point 9.3 feet from the front parcel line. The front setback in C-H is 25 feet from Marion Street, which is considered the front yard. The applicant is requesting a parking variance as well. Parking is required to be on site, or if shared, immediately adjacent. The proposed additional parking is to be across Marion Street, hence the variance request. There being unusual circumstances—the existing building's location, and Marion Street being the front yard, when E. Ann Street functioning as the front yard—staff recommends approval of the variance with six conditions: (1) The new building shall be no closer than 9' from the street right-of-way line, with the new front wall being in alignment with the front wall of the adjacent existing building, as depicted on the submitted site plan. (2) There shall be a minimum 8' tall opaque solid fence erected along this newly-established front yard setback line, connecting the corners of the two buildings, and also extending southward from the new building to the south property line. (3) The east wall of the new building shall be facaded with an attractive durable material in accordance with the requirements of LDR Section 214-7, with both buildings painted a matching color. (4) There shall be no driveways or vehicular access to the main parcel from Marion Street. (5) The street yard area between the fence/building and the western Marion Street right-of-way line shall be landscaped with heavy evergreen vegetation to greatly obscure the fence and building walls, as approved by the City Arborist. (6) The existing small shed in the interior of the main parcel shall obtain any applicable permits and necessary inspections as part of the plan review and permitting of the new development.

Mr. Brantley asked for clarification regarding condition number two. Ms. Tolley stated that an eight foot tall opaque fence should be erected along Marion Street, along the front of the two buildings. Mrs. Quarterman asked if Ann Street was the front, would the applicant need both variances? Ms. Tolley stated that both would still be needed. Mrs. Hobby asked why a fence on the Marion Street side was one of the conditions. Ms. Tolley stated that it was because of the residential parcels across the street. Mrs. Hobby asked Ms. Tolley was aware of what was across the street. Ms. Tolley stated she understood her concern. Mrs. Hobby stated that a fence may be needed to screen it from the Ashley Street side, as the development will be visible from the Ashley Street side. Ms. Tolley stated that the Board may choose to keep the condition, or not.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Matt Phelps, 4560-F Valnorth, spoke on behalf of the application. He stated he was the applicant's engineer. Mr. Phelps stated the parcel across Marion Street was already owned by Mr. Berard. Mr. Phelps stated that he understood the condition of a fence, to buffer between two non-similar uses, but asked that the Board keep the buffering condition to a minimum. Vice-Chairman Strickland asked if the parking across the street was for employees or for cars being worked on. Mr. Phelps stated it was to clear out the cars waiting to be worked on, so customers could park at the existing facility. Mr. Phelps stated that anything in process would be in the shop. Vice-Chairman Strickland stated that there was a car that was borderline derelict, and did not know if the parking across the street was meant for cars like that. Mr. Tiger Berard stated he would do a better job of keeping the properties cleaned up. Mr. Berard stated the car mentioned was in line to be worked on, and with a bigger shop, he could hire more people and get cars in and out faster. Mr. Berard stated he was trying to make his business function more efficiently. Mrs. Hobby asked if the landscaping regulations were calculated on what the vegetation would look like today, or a few years later. Ms. Tolley stated it was calculated as to what the vegetation would