



## Variance Request Staff Report

Case No. VA 6-21-2022

Meeting Date: June 21, 2022

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<b>Applicant</b>	Chris Bridges and Catherine Knight
<b>Owner:</b>	Ultra Additives, LLC
<b>Location:</b>	1098 Ultra Avenue
<b>Tax Map Number:</b>	363-00-00-121
<b>Zoning Districts:</b>	ID Industrial
<b>Proposed Use:</b>	New manufacturing building.

### **Zoning Relief Sought:**

A Variance to the Town of Clover Zoning and Land Development Standards **Section 2.3 Table 1 Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements, By Zoning Districts and Section 4.3-5 (2) Landscaping Requirements.**

Section 2.3 Table 1 Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements requires that Manufacturing uses provide one space per 1,000 square feet of gross floor area. The proposed facility is approximately 70,340 square feet and requires 71 off-street spaces.

Section 4.3-5 (2) Landscaping Requirements. "Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 10 or more parking spaces. Landscaped areas shall contain one medium to large maturing shade tree per 10 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction.

The applicant indicates that the facility's type of manufacturing and staffing/visitors will not create the parking demand established within the ordinance. The applicant also suggests that planting trees would not be feasible due to the existing sanitary easement located under the future parking lot area.

### **Authority: [excerpt from ZLDO Section 9.4-6]**

The Board of Zoning Appeals shall have the following powers and duties:

- 2) To hear and decide appeals for a variance from the requirements of the Zoning Ordinance when strict application of the provision of the Ordinance would result in unnecessary hardship. A variance may be granted on an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

**Applicant's comment:** "The parking area has an existing sanitary sewer easement under it and the official noted that trees would not be a feasible option in this area. We also seek a variance for the parking spaces from 71 to 57. The 57 parking spaces meets the needs of the owner's employee and visitor count and we would like to request a reduction of parking spaces required."

**Staff comment:** The subject property can support the required amount of parking within its 14 acres; however, the user has a low labor and visitor demand for parking, and implementing the zoning standard will create an excessive amount of parking and impervious surface.

The Town of Clover does not permit planting trees within a sanitary sewer easement, and its poor practice to plant trees within close proximity of sewer lines.

- b. These conditions do not generally apply to other property in the vicinity;

**Applicant's comment:** "The location of the sanitary sewer is a site-specific circumstance. For this new development there is company initiatives to promote a more sustainable and lower impact development to the current site. The intent is to create enough parking spaces that will be used by the occupants and not include excess parking spaces."

**Staff comment:** The adjacent use owned by Munzing also has a low parking demand based on the existing building area. The type of manufacturing produced by Munzing is not labor-intensive and doesn't require the parking demand required within the ordinance.

No other properties in the area have a sanitary sewer easement located within the middle of their properties needing a variance.

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

**Applicant's comment:** "The incorporation of the trees in the existing sanitary sewer easement will be detrimental to any future maintenance or access on this easement. The requirement for additional parking areas will add additional hardscape not required or needed by this owner."

**Staff comment:** Implementing the zoning ordinance serves only to provide a parking ratio based on a general assumption of the parking demand for manufacturing uses. An excessive parking area doesn't serve the Town's best interest as it creates additional impervious surfaces and an unnecessary burden

on the application. Should the user ever change and another owner occupies the site that demands more parking, adequate space exists for parking expansion.

The town prohibits planting trees within sanitary sewer easements.

- d. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

**Applicant's comment:** "These relief requests only impact the parking area of the new facility. In no way do they negatively impact any of the neighbors or adjacent properties"

**Staff comment:** The reduction in parking and landscaping will not negatively impact adjacent properties. The subject property is adjacent to other manufacturing uses.

The Board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, extend a nonconforming use of land physically, or change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably may not be considered grounds for a variance if a variance is granted.

**Staff Summary:** The proposed use does not create the labor and visitor demand that requires the ratio of parking spaces listed in Section 2.3, Table 1 Standards. The additional parking serves only to meet compliance with the standard and would result in an unnecessary amount of impervious surface. Should the demand change through a change of use or user, adequate space exists to expand the proposed parking area.

Landscaping can not be placed within the sewer easement. Per the attached plan, the sewer easement is located within the parking area.

### **Recommended conditions**

Staff recommends that the variance should only apply to the subject use, if approved by the Board of Zoning Appeals (BZA). Any change of use and/or expansion of the subject facility will require re-review by the BZA.

