



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: December 26, 2013
SUBJECT: 20 Hawley Street; Appeal of Interpretation by Supervisor of Building and Construction
TAX ID #: 160.41-1-16
CASE: 2013-31

A. REVIEW REQUESTED

Newman Development Group LLC has submitted an appeal of an Interpretation by the Supervisor of Building and Construction of Section 410-51.E and 410-51.H related to the location of required off-street parking for a proposed Multi-Unit Dwelling (40 Units, 180 Bedrooms) at 20 Hawley Street. The subject property is located within the C-2, Downtown Business District.

The Zoning Code Sections in question state the following:

§ 410-51. Standards.

E. Location. (1) Except as may otherwise be specified in this chapter, all required parking spaces in R-1 and R-2 Residential Districts shall be located on the same lot as the building or use to be served. In other districts, required off-street parking space may be provided in a private or public off-site facility. The distance from the lot line of such off-site parking facility to the closest lot line of the building or use it is intended to serve shall be no greater than 250 feet for the R-3 Residential District, and 800 feet from all commercial and industrial districts.

H. Turnover. To determine the total number of off-street parking spaces available in a public parking area or structure, the number of physical spaces actually existing shall be multiplied by a factor of five to account for daily vehicle turnover unless the Planning Department has determined that the capacity of said public parking facility, including the turnover factor, has already been reached. Thus, a public facility containing 100 actual spaces would have 500 off-site spaces which could be assigned to meet the off-street parking requirements of Schedule III (§ 410-53). The Planning Commission may establish a turnover factor for private off-street parking facilities if conditions warrant.

The Supervisor of Building and Construction's Interpretation of these Sections is attached (**Attachment A**). Pursuant to Section 410.92B the Zoning Board of Appeals shall have authority to decide any question involving an interpretation of any provision the Zoning Code made by the Superintendent of Building and Construction acting as the official responsible for its enforcement.

The appellant's justification for the appeal can be found as **Attachment B**. A response from the applicant of the proposed project at 20 Hawley Street can be found as **Attachment C**. In addition to the matter of the

Interpretation, the project applicant has requested that the Zoning Board determine if the appellant has standing to appeal the Interpretation (see **Attachment C**).

B. STAFF FINDINGS

The Zoning Board of Appeals may take any of the following actions:

1. Uphold the interpretation of the Supervisor of Building and Construction (Attachment A).
2. Overturn the interpretation of the Supervisor of Building and Construction (Attachment A).

After the close of the public hearing the Board should deliberate and state the facts upon which a decision will be reached. Staff recommends that the decision be tabled after deliberations. This will allow time for Staff to draft a written decision based upon the Board's deliberations. The written decision can then be adopted at the February meeting.