



Legislation Text

File #: ABZA 13-4, **Version:** 1

Public hearing to consider the appeal of Luis Mota to a decision of the Board of Zoning Appeals (BZA) denying a variance of the minimum floor area ratio (FAR) in order to construct a new building for Qdoba Mexican Grill Restaurant in the T2 Traditional Neighborhood zoning district at 2081 Ford Parkway.

The applicant, Luis Mota, applied for a variance of the minimum floor area ratio (FAR) under Sec.66.331 of the Zoning Code in order to construct the proposed building. The BZA heard the matter at a public hearing held on April 1, 2013 and, based on findings in the staff report and all the testimony, the BZA moved to deny the variance as recommended by staff. There was opposition present at the hearing.

This zoning district requires that a one-story building occupy at least 30% of the lot area and the applicant is proposing a one-story building that would occupy 21% of the lot area for a variance of 9%.

The Board of Zoning Appeals ("BZA") recently received and acted upon a variance application on April 1, 2013 for the purpose of constructing a new, one-story high Qdoba Restaurant at 2081 Ford Parkway.

2081 Ford Parkway is located in a T2 Traditional Neighborhood Zoning District. T2 zoning requires one-story buildings to occupy at least 30% of the lot area. This land occupation requirement is known as "Floor Area Ratio" or "FAR." The applicant's original information indicated that the lot was 12,285 sq. ft. in size. Under T2 zoning, a one-story building meeting a FAR requirement of 30% would need to be at least 3,686 sq. ft. The building proposed by the applicant is 2,538 sq. ft. or 21% of the lot area. In order to get approval for a building of this size, the applicant requested a FAR variance of 1,148 sq. ft. which is the difference between the required building size and the proposed building size. The BZA denied the variance request.

Following the BZA's denial and at the request of PED staff, the applicant, PED and BZA staff held a courtesy meeting to discuss possible alternative building designs which might meet the T2 FAR requirements as well as the applicant's business model. At that time, BZA staff requested a new survey of the 2081 Ford Parkway site. The applicant provided a new survey which revealed that they had not included half the alley as required and the lot in question is actually 13,249 sq. ft. and not 12,285 sq. ft. as stated in the original variance application.

Based on the corrected lot size information, the actual minimum required FAR for a one-story building on the subject lot is 3,975 sq. ft. The proposed 2,538 sq. ft. building now covers only 19% of the lot, not 21% percent as originally indicated. Consequently, the requested FAR variance has similarly changed from 1,148 sq. ft. or 9% to 1,437 sq. ft. or 11%.

Does this issue fall within the 60 day rule? Yes

If yes, when does the 60 days expire? May 9, 2013

Has an extension been granted? Yes

If so, to what date? July 9, 2013

Yaya Diatta

