



**Town of Clayton
Board of Adjustment Agenda
Wednesday, May 19, 2021 @ 6:00 PM
Council Chambers**

THE TOWN OF CLAYTON WILL FOLLOW GUIDELINES FROM THE CENTERS FOR DISEASE CONTROL AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH REGARD TO SOCIAL DISTANCING.

THE BOARD OF ADJUSTMENT MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC IS INVITED TO ATTEND THE MEETING.

THE PUBLIC MAY VIEW THE LIVE MEETING ON THE TOWN'S YOUTUBE CHANNEL:

https://www.youtube.com/channel/UCwz_EIU1ENyy7BkFsqmWYzQ

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- Entrance AND Exit will be main door on Horne Street.
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Masks may be lowered when speaking.*

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. Draft Minutes
 - April 21, 2021 DRAFT Minutes

[April 21 DRAFT Minutes](#)

POTENTIAL ACTION: Adoption of Minutes

4. PUBLIC HEARINGS

- a. 2021-40-VAR - Crawford Cookshop - VARIANCE
Presenter: Planning Staff
[Application - 2021-40-VAR - Crawford Cookshop Variance](#)
[Adjacent Property Letter - 2021-040-VAR - Crawford Cookhouse Variance](#)

[Neighborhood Meeting Letter - 2021-40-VAR - Crawford Cookshop Variance](#)
[Newspaper Notice - 2021-40-VAR - Crawford Parking Variance](#)
[Site Plan - 2021-40-VAR - Crawford Cookshop Variance](#)
[Staff Report - 2021-40-VAR - Crawford Cookshop Variance](#)
[Staff Report Map - 2021-40-VAR Crawford Cookshop](#)

POTENTIAL ACTION: Approval/Denial 2021-40-VAR

5. OLD BUSINESS

- a. TRAINING
Presenter: Attorney Raspberry
- Quasi-Judicial Training Continued

6. NEW BUSINESS

7. ADJOURNMENT

- a. Adjourn the Meeting
- POTENTIAL ACTION:** Motion to Adjourn



Town of Clayton
Board of Adjustment Minutes
Wednesday, April 21, 2021 @ 6:00 PM
Council Chambers

BOARD MEMBERS PRESENT:

Bob Satterfield
Michael Sims
Porter Casey Jr.
Jim Perricone
Marty Bizzell
John Saluppo
Thomas Antoine

STAFF PRESENT:

JD Solomon, Interim Town Manager
Avery Everett, Council Liaison
Kimberly Moffett, Town Clerk
Francis Rasberry, Town Attorney
Jeff Caines, Senior Planner
Ben Paynter, Planner

1 CALL TO ORDER

- a) The meeting was called to order at 6:08 p.m.

2 ADMINISTRATION OF OATHS

- a) Oath of Office Administered to Each Member
- Bob Satterfield
 - Michael Sims
 - Porter Casey Jr.
 - Jim Perricone
 - Marty Bizzell
 - John Saluppo
 - Thomas Antoine
- b) All members of the Board of Adjustment were administered the Oath of Office by Town Clerk, Kimberly Moffett.

3 INTRODUCTIONS

- a) Self-Introduction of Each Board Member

Each member of the board took a moment and introduced themselves. Each offered a brief background of their careers and personal life.

4 SELECTION OF CHAIR & CO CHAIR

- a) Nomination of Chair

Jim Perricone nominated Marty Bizzell to serve as Chair.

ACTION: Motion to Nominate Marty Bizzell as Chair

Motion: Board Member Perricone

Second: Board Member Sims

Vote: Unanimous

- b) Nomination of Co-Chair

Michael Sims nominated Porter Casey to serve as Co-Chair

ACTION: Motion to Nominate Porter Casey as Co-Chair

Motion: Board Member Perricone
Second: Council Member Satterfield
Vote: Unanimous

5 ADOPTION OF CALENDAR

- a) 2021 Meeting Schedule

A copy of the proposed 2021 Meeting Schedule was shared. The Board of Adjustment will meet the third Wednesday of each month in the Council Chambers and meetings will begin at 6:00 p.m.

ACTION: Motion to Adopt Schedule as Presented

Motion: Board Member Antoine
Second: Board Member Satterfield
Vote: Unanimous

6 TRAINING

- a) Quasi-Judicial Process Training
Presenters: Francis Rasberry & JD Solomon

Training regarding the quasi-judicial process was provided by both Attorney Rasberry and JD Solomon.

7 NEW BUSINESS

8 ADJOURNMENT

- a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 7:30 p.m.

ACTION: Motion to Adjourn

Motion: Board Member Satterfield
Second: Board Member Saluppo
Vote: Unanimous

Duly adopted this the 19th day of May, 2021.

Marty Bizzell
Chair

ATTEST:

Chrissy Freeman
Clerk to the Board

April 21, 2021
Minutes



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

VARIANCE APPLICATION

Application Fee: \$250.00
Advertisement Fee: \$200.00

Please note if a variance is sought "after the fact", the application fee is \$500.00

SITE INFORMATION

Name of Project: Crawford Cookshop
Acreage of Property: 0.747 Zoning District: B-1
County Tag #: 05011016 NC Pin #: 166917-11-4927
Address/Location: 401 E Main Street
Existing Use: Retail/Restaurant/Business Service Proposed Use: Retail/Restaurant/Business Service
Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____
Is project within an Overlay District? ☒ Yes ☐ No If yes, which: Downtown

APPLICANT INFORMATION

Name: 113 E First St, LLC
Mailing Address: PO Box 6309, Raleigh, NC 27628
Phone Number: 910-770-1145 Fax: _____
Email Address: HDiefes@AtlasStark.com

FOR OFFICE USE ONLY

Date Received: 4-30-21 Amount Paid: \$450.00 Permit Number: 2021-40-VAR
PAID



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

VARIANCE APPLICATION COVER SHEET

Name of Project: Crawford Cookshop Date: 4/28/2021
Applicant Name: 113 E First St, LLC

The following checklist to be completed by applicant:

- ☐ Pre-application Meeting on: 4/7/2021
☐ Application Review fee
☐ Advertising Fee
☐ Completed Application
☐ Owner's Consent Form
☐ Neighborhood Meeting Letter
☐ Adjacent property Owner's List
☐ Set of Stamped, addressed, empty envelopes for adjacent owner notification
☐ Copy of the plan in PDF on USB

11 plan sets of the following:

- ☐ Preliminary plan sheet depicting the variance request
☐ Signed and sealed Boundary Survey

Reviewed by: _____

PROPERTY OWNER INFORMATION

Name: 113 E First St, LLC

Mailing Address: PO Box 6309, Raleigh, NC 27628

Phone Number: 910-770-1145

Fax:

Email Address: HDiefes@AtlasStark.com

BURDEN OF PROOF / EXPLANATION OF REQUEST

Variance(s) Requested: *List each requested variance. Attach additional pages if necessary.*

Code Section: 155.401(C)(2)

Code Requirement: Restaurant Parking - 1 space per 3 seats including outdoor seating area

Variance Sought (*describe specific request*): Allow Crawford Cookshop to utilize 44 existing on-site parking spaces and 4 on-street parking spaces which will be shared by other existing tenants in the building.

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

The proposed project will be located in an existing downtown building with an existing parking lot on-site. The parking lot consists of 44 spaces including 2 handicapped spaces. Based on an estimated 81 seats the parking requirement is 27 spaces. This is a multi-tenant building with a total parking requirement of 79 (21 for existing second floor office and 58 for the other two restaurants that have been approved). Since existing tenants and approved projects already exceed parking capacity no project is possible if parking is required for that use without a variance. The property currently has the maximum number of spaces that can be placed on-site and there is no way to expand or increase the number of spaces.

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

As was stated above, in the absence of the variance no use requiring parking can be made of the portion of this building that is currently vacant. The proposed project will be located in an existing building, with existing parking that cannot be expanded and current and approved uses already have exceeded available parking spaces. The Cardinal and Lil Hombre were approved even though the parking requirements exceeded the available on-site parking. We expect customers to utilize other nearby parking such as on-street parking and other public parking areas and we believe this will adequately address the parking shortfall on-site as has been the case with other new downtown establishments.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance..

The proposed project is in an existing building with an existing parking lot that is currently oriented to maximize existing parking spaces. The only way to increase parking on-site would be to build a parking deck, which is not only cost prohibitive for a project of this size, but is also not feasible due to the size of the property. Therefore no additional parking is possible on-site.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

This is an existing building and parking lot and neither the applicant nor the property owner have taken any actions to incur a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance. A variance request regarding required parking in the downtown area is commonplace given the general limited availability of existing parking lots in this area and will not jeopardize public safety.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Hunter Diefes

Print Name

Hunter Diefes

Signature of Applicant

Digitally signed by Hunter Diefes
Date: 2021.04.29 16:39:43 -0400

4/29/2021

Date



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Crawford Cookshop **Address or PIN #:** 401 E Main Street

AGENT/APPLICANT INFORMATION:

113 E First St., LLC PO Box 6309
(Name - type, print clearly) (Address)
Raleigh, NC 27628
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*):

Site Plan Review

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

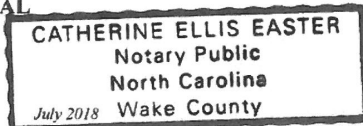
OWNER AUTHORIZATION:

Robert S. Adams, III PO Box 6309
(Name - type, print clearly) (Address)
[Signature] Raleigh, NC 27628
(Owner's Signature) (City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me Catherine Ellis Easter, a Notary Public for the above State and County, this the 7th day of March, 2021.

SEAL



[Signature]
Notary Public

My Commission
Expires:

12/12/2022
10 of 10

401 E Main Parking Requirements

Building Use/Function	Square Footage/Seats	Number of Spaces Required for Use	Number of Spaces Required for Location
Office Space, General	6038 SF	1 Space/300 SF	21
Service	1092 SF	1 Space/200 SF	6
Restaurant (The Cardinal)	149 Seats	1 Space/3 Seats	50
Restaurant (Lil Hombre)	25 Seats	1 Space/3 Seats	9
		Total Existing/Approved Uses:	86
Restaurant (Crawford Cookshop)	81 Seats	1 Space/3 Seats	21
		Total Spaces Needed:	107
		Total Existing Spaces:	44

401 E Main Street - Tenant Operating Hours

Tenant	Operating Hours	Peak Hours
General Office (2nd Floor)	8:00AM - 5:00PM M-F	NA
Service (Hair on Main)	8:00AM - 6:00PM M-S	NA
Crawford Cookshop	5:00PM - 10:00PM T-S	7:00PM - 9:00PM
The Cardinal	12:00PM - 12:00AM S-S	12:00PM - 1:00PM & 8:00PM - 11:00PM
Lil Hombre	12:00PM - 12:00AM S-S	12:00PM - 1:00PM & 8:00PM - 11:00PM



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

May 7, 2021

NOTICE

SUBJECT: **Project:** **2021-040-VAR – Crawford Cookhouse – Parking Variance**
Address: **401 East Main Street**
PIN #: **05011016**
Applicant: **113 E First St, LLC**

Dear Clayton Area Property Owner:

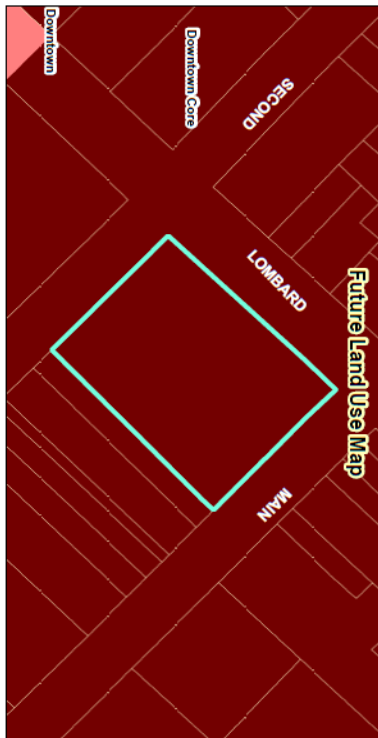
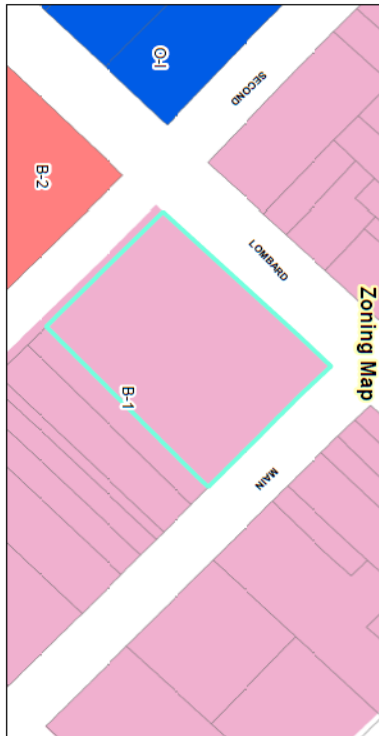
Notice is hereby given that the Clayton Board of Adjustment will hold an evidentiary (quasi-judicial) hearing on **Wednesday, May 19, 2021 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Parking Variance application. The applicant is requesting a parking variance from Section 155.401(C)(2) – Table 4-2 of the Town of Clayton Unified Development Code. Specifically, Minimum Off-Street Parking Requirement for a Restaurant Use. The subject property is located at 401 East Main Street. Please see the map on the back of this letter.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request. You are invited to attend this meeting. During an evidentiary (quasi-judicial) hearing, the Board of Adjustment must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary (quasi-judicial) hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at jcaines@townofclaytonnc.org.

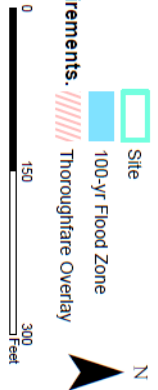
Sincerely,

Jeff Caines, AICP – Senior Planner



Crawford Cookshop
2021-40-VAR
Request: The applicant is requesting
a variance on minimum parking requirements.

Applicant: 113 E First St, LLC
 Property Owners: 113 E First St, LLC
 Tag #: 05011016



Staff Report Map
 Prepared by: TOC Planning Department
 May 5th, 2021

Disclaimer: Town of Clayton assumes no legal responsibility for the quality to the data represented here.

Document Path: O:\PLANNOVA\BALANCE\2021\2021-40-VAR Crawford Cookshop\Staff Report Map - 2021-40-VAR Crawford Cookshop.mxd

5/2/2021

«Name_1»
«Street»
«CityState» «Zip»
PIN#: «PIN»

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: 5/17/2021

Meeting Time: 6:00 PM

Meeting Location: Virtual (Meeting directions included)

Type of Application: Project/proposal property address: Parking Variance – 401 E Main Street

Description of project/proposal: Upfit of existing building space for a restaurant

Upcoming public meetings for this

application: _____

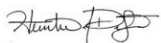
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at **910-770-1145**. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,



Hunter Diefes, Development Associate
113 E First St, LLC

Cc: Town of Clayton Planning Department

Public Notice

In accordance with NC GS 160D-302, the Clayton Board of Adjustment will conduct the following evidentiary hearing on Wednesday, May 19, 2021 at 6:00 PM in the Town Council Chambers in Town Hall, located at 111 E. Second Street:

- Request for a Parking Variance (File # 2021-40-VAR) from Section 155.401(C)(2) – Table 4-2 of the Town of Clayton Unified Development Code. Specifically, Minimum Off-Street Parking Requirement for a Restaurant Use. The subject property located in the B-1 zoning district; Downtown Overlay District, located at 401 E. Main Street; TAG number 05011016

During an evidentiary hearing, the Planning Board must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

Jeff Caines, AICP, Senior Planner
919-553-5002

Johnstonian Newspaper

Please advertise on the following dates:

May 5, 2021

May 12, 2021

Affidavit of publication required.



B-1 zoning B-2 zoning O-1 zoning

SITE DATA
Project Name: Crawford Cookshop
Parcel ID: 0501016 (county ID) Property
Size: 0.74 acres
Property Location: within Town Limits
Existing Zoning District: B-1 Proposed
Zoning District: B-1 Existing Use:
Restaurant/Bar Proposed Use:
Restaurant/Bar
Floor Area Ratio: Proposed uncondition
patio to be constructed above existing
sidewalk/slab (437sf added)
Building Coverage & Pervious area: Existing
Impervious Area: 437 sf additional patio area
Building Height: (2 stories/23'0" (existing))

Required Parking (based on Use): 27
Proposed Parking : 27
Required Proposed Accessible Parking:
Existing (no change)

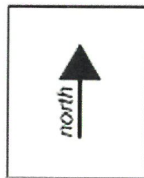
Seats:
Existing Density = Proposed Density (no change)
FAR/Building Coverage will also remain unchanged
Required Loading Spaces: Existing (no change)

Electric Provider: Town of Clayton
Water Provider: Town of Clayton
Sewer Provider: Town of Clayton

EXISTING

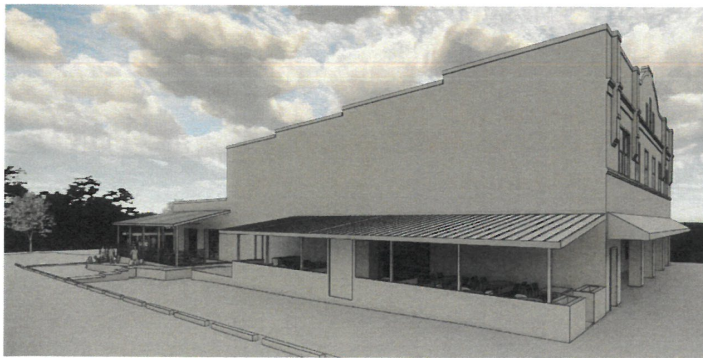


SITE OVERVIEW INFO



SITE TOPOGRAPHY, UTILITY & MUNICIPAL FIRE HYDRANT INFO
(BY JOHNSTON COUNTY GIS)
A) 2'-0" CONTOUR INTERVAL SHOWN - NO GRADING WORK PROPOSED
B) NO NEW UTILITY WORK REQUIRED OR PROPOSED
C) "O" - EXISTING MUNICIPAL FIRE HYDRANT

EXISTING STRUCTURES, TYPICAL



SHEET INDEX

1. COVER
-SITE SUMMARY
2. A1
-SITE PLAN
3. A2
-ELEVATIONS
& MISC DETAILS
4. SURVEY

RECEIVED
MAY - 3 2021
TOWN OF CLAYTON
PLANNING DEPARTMENT

MAURER
architecture
919 829 4969
115 1/2 E. Hargett St
Suite 300
Raleigh, NC 27601
maurerarchitecture.com



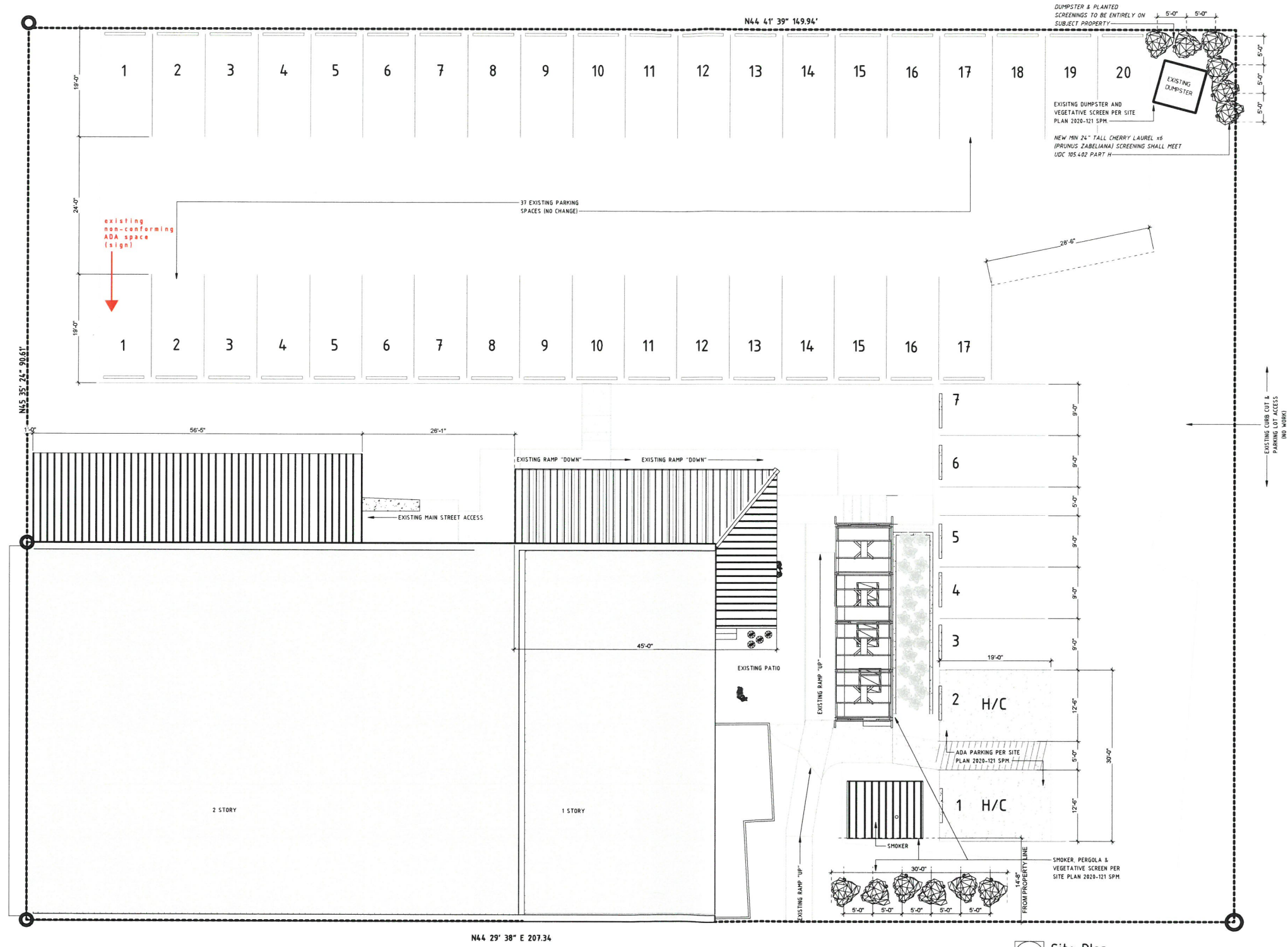
03.21.2021

PROJECT TYPE: MINOR SITE SUBMISSION
401 EAST MAIN STREET
401 EAST MAIN STREET
CLAYTON, NORTH CAROLINA

DATE	03.21.2021
DR.	Author
CH.	Checker
PROJ. #	19073
REVISIONS	DATE

**COVER
SHEET**

EAST MAIN



SOUTH LOMBARD STREET

EAST SECOND STREET

M
MAURER
architecture
919 829 4969
115 1/2 E. Hargett St
Suite 300
Raleigh, NC 27601
maurerarchitecture.com

MAURER ARCHITECTURE
51562
RALEIGH, NC

ROBERT EDWARD SPANGLER
12724
NORTH CAROLINA

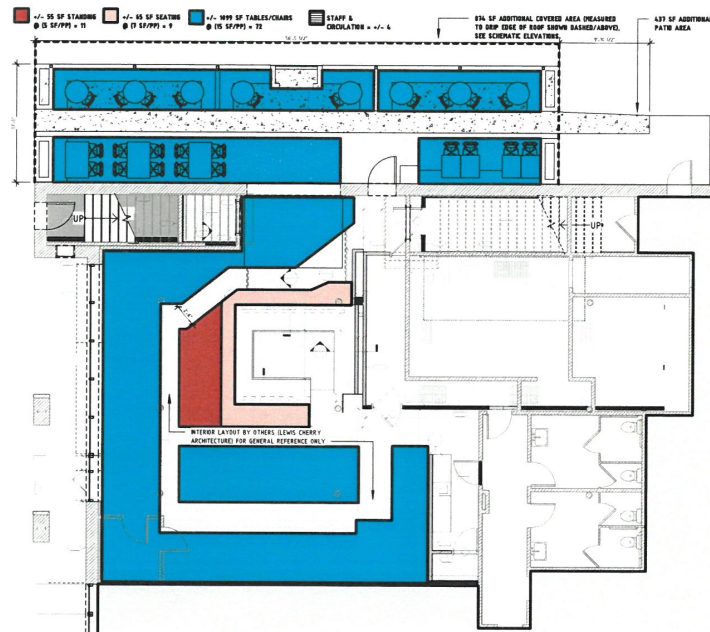
03.21.2021

PROJECT TYPE: MINOR SITE SUBMISSION
401 EAST MAIN STREET
401 EAST MAIN STREET
CLAYTON, NORTH CAROLINA

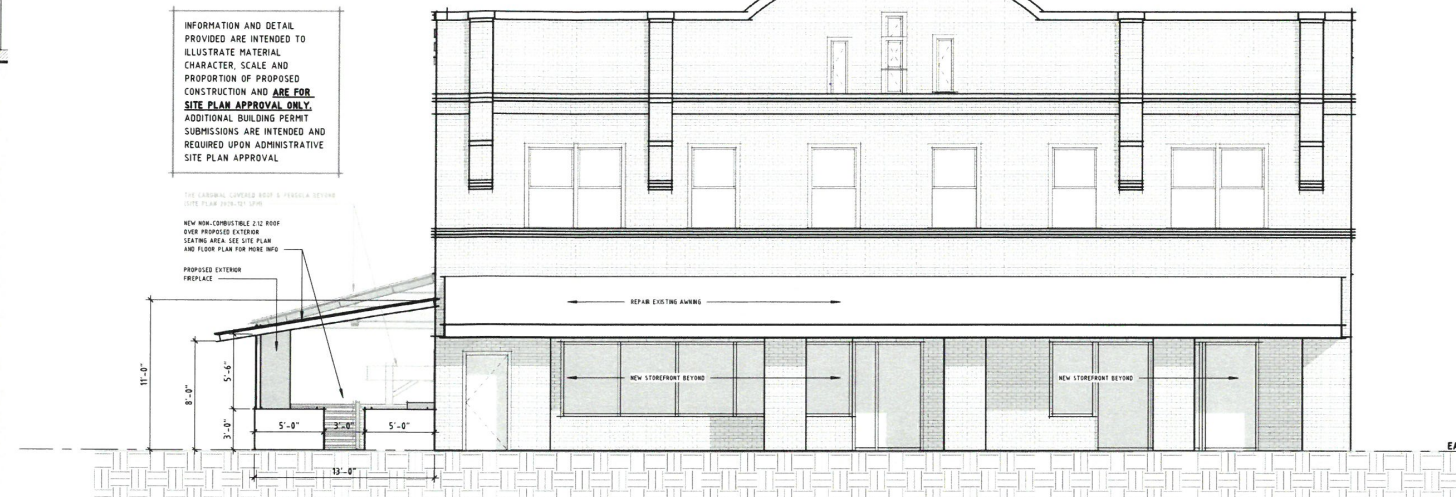
DATE	03.21.2021
DR.	Author
CH.	Checker
PROJ. #	19073
REVISIONS	DATE

SITE PLAN
A1

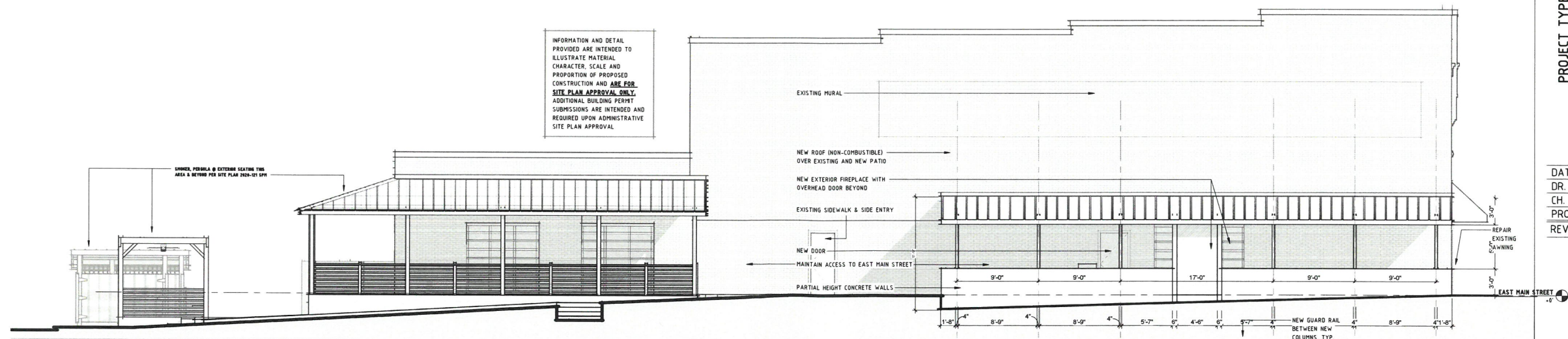
1 Site Plan
SCALE: 1/8" = 1'-0"



3 AREA & OCCUPANT LOAD SCHEMATIC DIAGRAM
SCALE: 1/8" = 1'-0"



2 EAST MAIN STREET ELEVATION
SCALE: 3/16" = 1'-0"



1 SIDE PARKING ELEVATION
SCALE: 3/16" = 1'-0"

M
MAURER
architecture
919 829 4969

115 1/2 E. Hargett St
Suite 300
Raleigh, NC 27601
maurerarchitecture.com



03.21.2021

PROJECT TYPE: MINOR SITE SUBMISSION
401 EAST MAIN STREET
401 EAST MAIN STREET
CLAYTON, NORTH CAROLINA

DATE	03.21.2021
DR.	RES
CH.	RS
PROJ. #	19073
REVISIONS	DATE

ELEVATIONS &
MISC DETAILS

A2



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720
*Board of Adjustment
May 19, 2021*

STAFF REPORT

Application Number: 2021-40-VAR
Project Name: Crawford Cookshop

TAG #(s): 05011016
Town Limits/ETJ: Town Limits (B-1 Downtown Overlay District)
Applicant: 113 E First St, LLC
Owner: Robert S. Adams, III
Location: 401 E Main Street
Project Planner: Jeff Caines, AICP – Senior Planner

Public Noticing dates:

- **Sign Posted:** May 7, 2021
- **Newspaper Ad Published:** May 5, 2021 & May 12, 2021
- **Adjacent Property Letters Mailed:** May 7, 2021

REQUEST: The applicant is requesting a variance from the following code section(s):

UDC Section	Requirement	Variance Request
155.401(C) (2) – Table 4-2	Restaurant must meet the parking requirement of 1 space for 3 seats including outdoor seating area.	To allow as much off-street parking as can reasonably be provided, and no foreseeable traffic congestion problems will be created.

SITE DATA:

Acreage: +/- 0.747 Ac (+/- 32,540 square feet)
Existing Use: Existing Building

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting a Variance to the minimum parking requirement of 1 parking space per every 3 seats, which includes outdoor seating. The proposed restaurant is located inside an existing downtown building which currently has limited off-street parking that can serve this use as well as other businesses inside the building; the applicant has submitted a site plan showing 44 off-street parking spaces. The applicant has also submitted both parking calculations and operating hours for the various businesses located in the building showing the peak times of use,

demonstrating that the same parking space can be used for different uses. Both UDO Section 155.204(5)(b)(3)(B) and UDO Section 155.401(B)(8) state that there may be an allowance for this parking variance so long “as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.” Staff has reviewed the building location as well as the associated off-street adjacent parking lot and has concluded that as much parking that can be reasonably provided has been provided, especially with the documentation of the different parking rations and peak times of the other building tenants.

Findings of Fact:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property.

- **Applicant Response:**

As was stated above, in the absence of the variance no use requiring parking can be made of the portion of this building that is currently vacant. The proposed project will be located in an existing building, with existing parking that cannot be expanded and current and approved uses already have exceeded available parking spaces. The Cardinal and Lil Hombre were approved even though the parking requirements exceeded the available on-site parking. We expect customers to utilize other nearby parking such as on-street parking and other public parking areas and we believe this will adequately address the parking shortfall on-site as has been the case with other new downtown establishments.

- **Staff Commentary:**

By following strict compliance with this parking provision, the applicant would either have to reduce the size of the restaurant or have to construct an additional parking facility or structure. There are already businesses that could share the parking lot adjacent to the restaurant location and not have a negative impact of either business due to the difference of business hours. For example, the office use(s) may operate Monday thru Friday – 8 am to 5 pm while Crawford Cookshop operates Tuesday thru Saturday from 5 pm to 10 pm; thus having non-competing times for the same parking space. Therefore, by having different hours of operation and customers from the local surrounding businesses the amount of parking could be reduced without causing an unnecessary hardship to the applicant.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- **Applicant Response:**

The proposed project is in an existing building with an existing parking lot that is currently oriented to maximize existing parking spaces. The only way to increase parking on-site would be to build a parking deck, which is not only cost prohibitive for a project of this size, but is also not feasible due to the size of the property. Therefore no additional parking is possible on-site.

- **Staff Commentary:**

The site is located in an older building in the downtown area of Clayton. This building was constructed during a time when different development standards and codes were applicable for different uses. Many businesses in the downtown area have limited or no off-street parking locations. Since a restaurant use is allowed in the downtown area, as a permitted use

in the UDO use table, every effort has been utilized in order to help minimize the parking situation by providing as much off-street parking as reasonably possible.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- **Applicant Response:**

This is an existing building and parking lot and neither the applicant nor the property owner have taken any actions to incur a self-created hardship.

- **Staff Commentary:**

The site, as state above, is in an existing building located in the downtown area and constructed during a time when different development codes were in place. The applicant did not modify the building or site to make it a non-conforming use.

4. The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- **Applicant Response:**

The requested variance is consistent with the spirit, purpose, and intent of the ordinance. A variance request regarding required parking in the downtown area is commonplace given the general limited availability of existing parking lots in this area and will not jeopardize public safety.

- **Staff Commentary:**

The proposed variance meets the purpose of the UDO by allowing a reduced parking standard in the downtown area by allowing the applicant to place as much parking as reasonably possible.

CONSIDERATIONS:

- The Board of Adjustment shall review and make a final decision regarding Variance applications.
- Per UDC requirements, no variance shall be approved unless all of the Findings of Fact are made.

FINDINGS OF FACT:

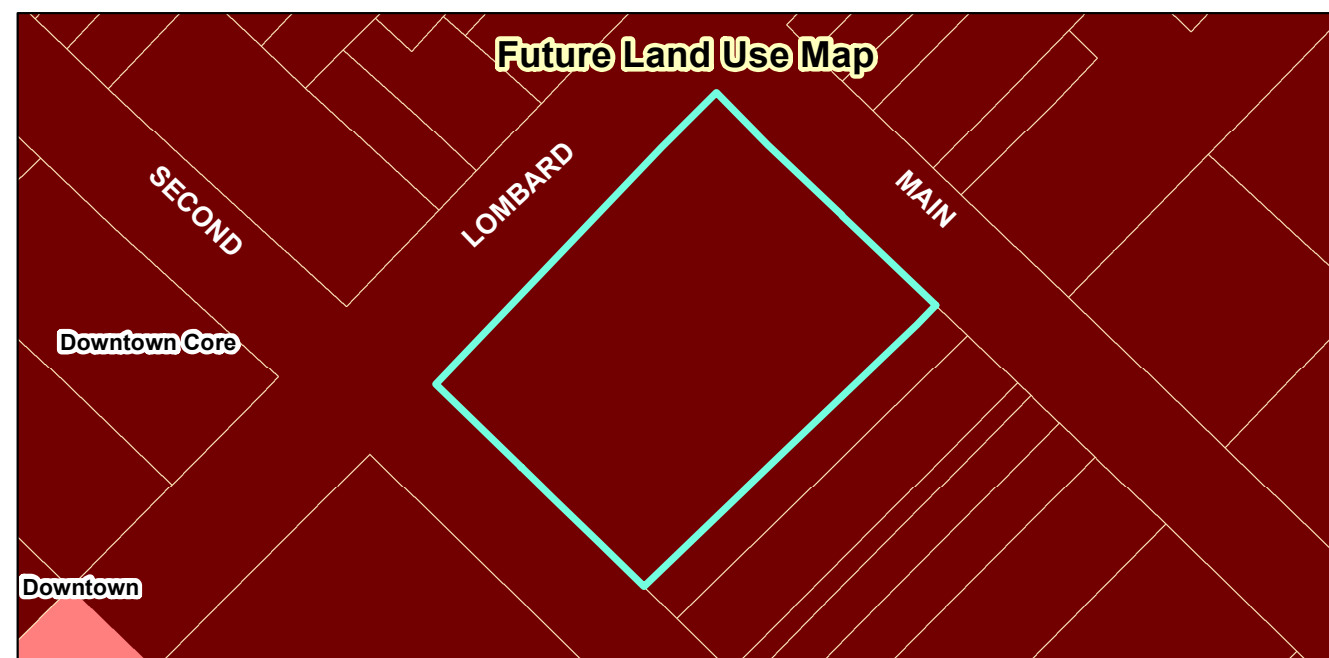
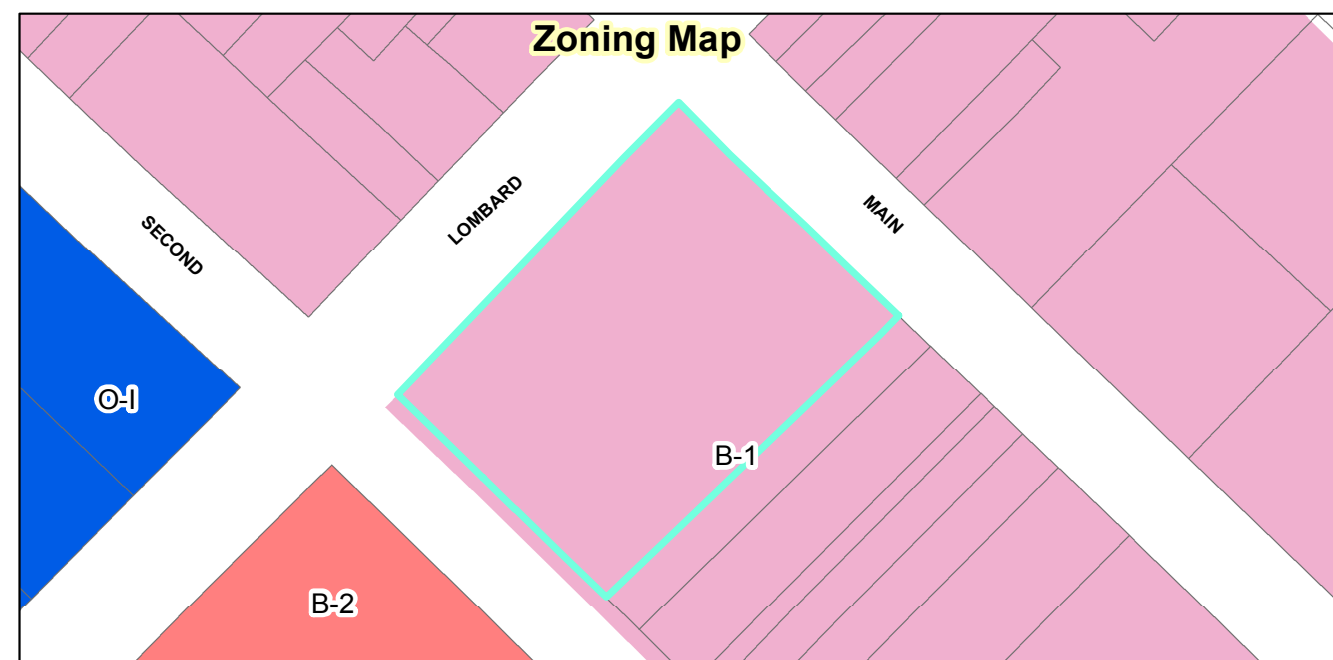
The applicant has addressed the Findings of Fact, as outlined above in this report and included as a part of the application.

RECOMMENDED CONDITIONS OF APPROVAL:

No Recommendations of Approval are being requested by staff. If the Board requests recommendations of approval for the parking variance, staff will support those recommendations.

ATTACHMENTS:

1. Application
2. Neighborhood Meeting Material
3. Associated Site Plan
4. Adjacent Property Letter- public notice
5. Newspaper Ad- public notice
6. Staff Report Map



Crawford Cookshop 2021-40-VAR

**Request: The applicant is requesting
a variance on minimum parking requirements.**

Applicant: 113 E First St, LLC
Property Owners: 113 E First St, LLC
Tag #: 05011016

-  Site
-  100-yr Flood Zone
-  Thoroughfare Overlay

0 150 300 Feet



Staff Report Map
Prepared by: TOC Planning Department
May 5th, 2021

Disclaimer: Town of Clayton assumes no legal responsibility
for the quality of the data represented here.

Document Path: O:\PLANNING\VARANCE\2021\2021-40-VAR Crawford Cookhouse\Staff Report Map\Staff Report Map - 2021-40-VAR Crawford Cookshop.mxd