

February 14, 2026

## NARRATIVE

The property located at 2314 East Atlantic Blvd. building had a C-Commercial zoning designation but is located in the Transit Oriented (TO) overlay district. The structure, constructed in 1961, was developed as an office use and has been vacant for over 10 years. An office use is permitted in the TO district. In 2025 the applicant purchased the building for use as a medical office. The property abuts 2 other commercial offices and they all share a common parking lot. The subject building at 2314 E. Atlantic is deeded with 3 parking spaces. An office use requires 1 parking space per 400 sf, thus 6 parking spaces are required. A medical office requires 1 parking space per 200 sf and requires 11 parking spaces. Thus, either use as office or medical cannot meet the parking regulations and a variance is necessary to modernize this dilapidated structure located along the City's main thoroughfare. Originally, the applicant attempted to obtain a shared parking agreement with nearby property owners; however, owners of the nearby commercial sites are reluctant to offer shared parking because the buildings are empty and they have no tenants at this time.

Existing building is 2,179 SF. Parking calculations for a commercial zoned site are:  
 Office Parking  $1/400 = 5.4$  spaces= (6 spaces)    Medical Parking:  $1/200 = 10.89$  spaces (11 spaces)

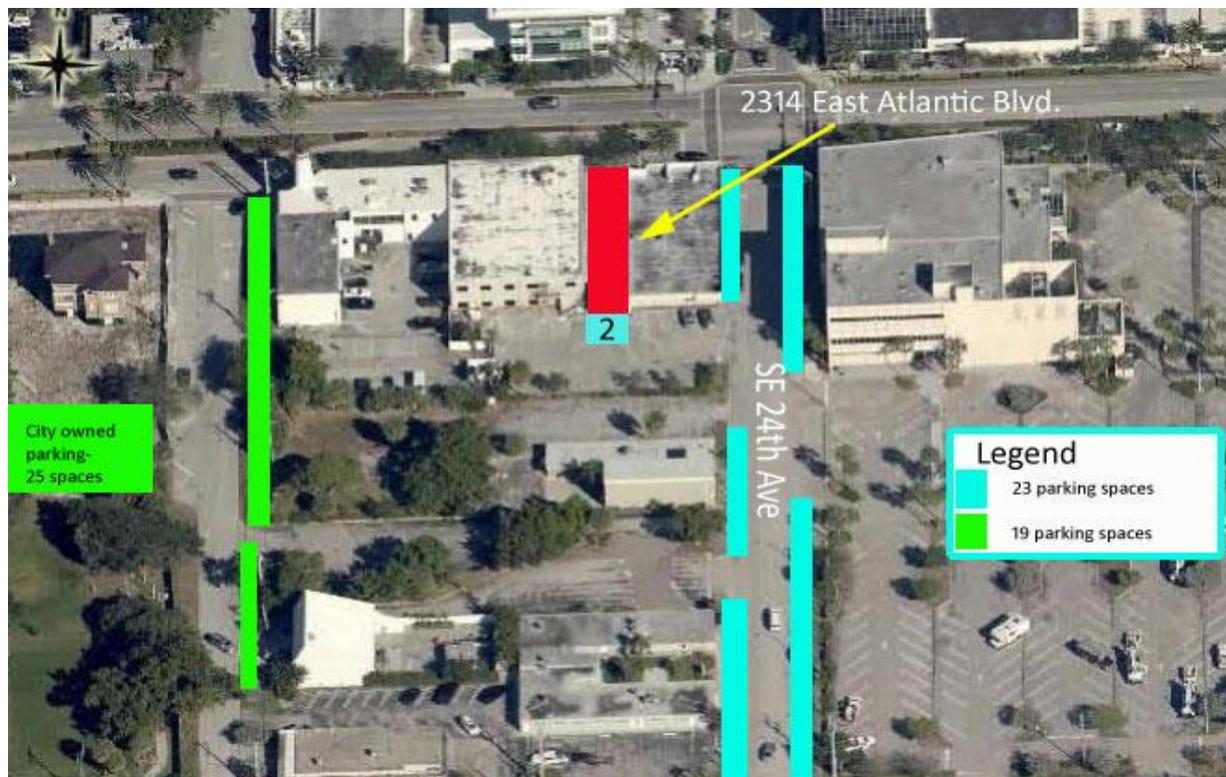
**A bench or planter can be installed along the site frontage. The 3 parking spaces will be reduced to 2 spaces including one ADA compliant space.**



**E Atlantic frontage**



**Rear of structure w/3 spaces**



The aerial photo above shows the on-street parking available as well as a city owned site with tennis courts and paved parking. On-street parking along SE 24<sup>th</sup> Avenue shows 23 public parking spaces connected to the subject site via a 5 foot sidewalk and street crossing markings. The 3 deeded parking spaces will be modified for 1 ADA parking space and 1 – 9.5 foot parking space.

**The Transit-Oriented overlay has provisions for sites within the overlay that provide alternatives for parking as indicated below:**

*g. On-Street Parking: On-street parking, along the corresponding frontage lines touching the adjacent sidewalk to the property, may be used to satisfy a portion of the off-street parking requirements for all uses, except single family.*

*Off-site parking, developed in compliance with the standards in Section 155.5102.J.4. (Off-Site Parking) is permitted, with the following modifications:*

*i. Except as otherwise modified in the Overlay District, only non-residential uses may provide parking spaces off-site;*

*ii. A maximum of 100% of the required off-street parking spaces may be located off-site;*

*iii. The off-site parking spaces may be located in a parking lot or parking garage up to 1,320 feet away from the primary pedestrian entrance to the use served by the parking.*

## SUMMARY OF REQUEST

### **This variance request is based on a future Medical Use.**

The applicant currently has a 2,361 SF commercial building on East Atlantic Boulevard developed in 1961, over 65 years ago. The structure abuts a parking lot shared with three other commercial entities. However, each property has deeded parking and the applicant's site has three (3) spaces.

### **TOD & EO zoning code provisions noted in the Narrative allow on street parking.**

CODE SECTION	REQUIRED	PROVIDED	VARIANCE
155.3402.C PARKING	11 Spaces	2 Spaces	9 Spaces

### **A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:**

a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;

Yes: The narrow shape of the lot is an extraordinary and exceptional condition that does not apply to other lots in the area. The structures sharing the common parking lot have more dedicated parking spaces. The subject lot is only wide enough for 3 parking spaces as shown on the photo. The existing 3 spaces will be modified to allow for 1 handicapped (ADA) space and 1 typical space.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

No: The owner purchased the property in 2025 in the current configuration with 3 parking spaces, including the 3 dedicated parking spaces. The same use (office) in today's code would require 6 parking spaces, therefore, a variance would be necessary regardless of the use. This is not a result of the actions of the new owner, rather is an exceptional condition created when the site was developed in 1961 with only 3 parking spaces.

c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;

Yes: The strict application of the code would effectively prohibit the utilization of the structure for any reasonable use. The prior use of an office requires 6 parking spaces and the conversion to medical office requires 11 parking spaces. The building has been vacant for over 25 years and the new owner intends to invest substantial monies to bring a dilapidated structure up to modern standards, the very essence of sustainability. The TO district provides regulations allowing on-street parking such as exists on SE 24<sup>th</sup> Avenue. Denial of this request would effectively prohibit or unreasonably restrict the utilization of the land and the structures use for medical offices, resulting in unnecessary and undue hardship.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Yes: Approval of this request does not confer any other special privileges or advantages beyond what is necessary for lawful, safe, and practical use of the site. This is due in part because the TO district promotes code provisions for reducing parking as cited in the Narrative. The numerous on-street parking spaces nearby and connected by a public sidewalk to the site and having street crossing markings at the subject property parking ingress/egress meet code provisions set forth in the city Code of Ordinances for the TO district. Therefore, approval of this request is not a privilege, rather it would be acknowledgment that the proposed use of a medical office meets the intent of the code in the TO district.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Yes: The request to utilize on-street parking (9 spaces) is the minimum necessary to bring the facility up to modern standards and allow the proposed medical use.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Yes: The request is in harmony with the general spirit of the code and Comprehensive Plan which encourages redevelopment of aging and outdated properties through innovation design. In this case, the TO district regulations promote on-street parking, the use of off-site or shared parking and other ways to develop in the TO district where existing development impedes new uses and structures.

g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and

Yes: The variance will not adversely affect the health or safety of the employees or the overall neighborhood, nor be injurious or detrimental to the area because the use of on-street parking does not affect any residential use – there are no residential uses on this block of SE 24<sup>th</sup> Avenue. Further, the other commercial properties on SE 24<sup>th</sup> have their own parking lots that provide sufficient parking for their needs, thus the use of on-street parking will not be detrimental to the public welfare or neighborhood.

h. The Variance is consistent with the comprehensive plan.

Yes: The proposed variance is in compliance with the Comprehensive Plan Objective 01.23.00 which states, “Economic Development Expand the economic based by attracting Class A office space and higher education institutional uses and continuing to support **medical** or dental laboratories. Additionally, this request is for a reduction of parking, thus, the code provisions cited in the Narrative and TO district all promote and provide for on-street parking such as this request. There are over 23 on-street parking spaces adjacent to the subject lot, therefore, the variance request is consistent with the comprehensive plan provisions for the TO district.

**Based on these considerations, we believe that the requested variance is justified and appropriate. Along with this letter, we have included additional documents and pictures as part of our submission, including a site layout. Thank you for your consideration of our application.**

*Jim Frogner*, President of Frogner Consulting, LLC, Agent for Applicant

**Additional Comprehensive Plan policies relevant to this request:**

**Policy 01.07.11**

Through ongoing updates to the land development regulations revise parking codes to require the provisions of on-street parking where appropriate.

**Policy 02.01.02**

Require the provision of handicapped parking facilities when reviewing development proposals.