



City of Grand Island

Tuesday, September 12, 2006

Council Session

Item H2

Consideration of Request from Brad Harder for Extension of Non-Conforming Use for Harold's Upholstery Shop Located at 215 W. South Street

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: September 12, 2006

Subject: Request of Brad Harder Owner of Harold's Upholstery Shop Located at 215 W. South Street, Grand Island, NE for Approval of an Extension to a Legal Nonconforming Use

Item #'s: H-2

Presenter(s): Craig Lewis, Building Department Director

Background

This request is for Council approval to allow for the expansion of the existing business facility by allowing construction of additions on to the current building. A 16'-8" x 32'-6" addition to the east and a 36'-8" x 10' addition to the south is proposed. The property is currently zoned R-3 (medium density residential), that zoning classification does not allow for the operation of an upholstery shop as a permitted principal use, nor does it allow for the current type of use as a home based business. The upholstery business along with the dwelling have been at this location for quite sometime and would be allowed by the City code to continue as a legal nonconforming use of the property. However, any expansion or extensions of nonconformity would need Council approval

Discussion

City code section 36-35 allows for extensions and expansions of such structures in all cases where refusal to do so would bring hardship to the owner or occupants and in all cases where justice requires the granting of the same. The City Council may attach appropriate conditions to the granting of any such relief. The site location is such that expansions of the business would not appear to have any negative impact on the neighboring properties.

One exception to this request would be the length of time past construction projects have continued. A permit issued in 1998 for an addition to the dwelling appears to have not yet been completed and a permit issued for renovations to the garage building in December of 2005 has yet to be completed.

As a condition to this request I would suggest that a time limit requiring the exterior be completed within a 12 month period be included in any approvals.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the request.
2. Disapprove or /Deny the request.
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the request and authorize the expansion of the non-conforming use with the condition that the exterior construction be completed within the next 12 month period.

Sample Motion

Motion to approve the request to allow for an expansion of the legal non-conforming use with the condition that the exterior construction be completed within the next 12 months.

August 25, 2006

Grand Island City Council
100 E 1st St.
Grand Island, NE 68801

Honorable Mayor and City Council:

First of all, I want to thank you for your time and understanding in this matter. This request is all about our ultimate survival as a viable small business. That alone is at the heart of this request for permission to do a needed addition and exterior wall upgrades to our shop.

My father, Harold J. Harder, started Harold's Upholstery Shop in 1949 after faithfully serving in the U.S. Navy. His years of hard and dangerous work in the Pacific Fleet earned him his post service technical and business training to open his own shop. In the early years he rented store fronts on 4th Street. And he did very well indeed. Gaining an excellent reputation that brought jobs into the shop literally from coast to coast to coast. By 1962 he finalized his plans to build a family home and a new shop just off of the then up and coming area called South Locust Street. We moved into our new home in 1963 and by 1964 he had his shop moved into the newly built three stall garage. At the time, it was just the right size to handle the workload and storage needed for materials and supplies. Oh for the good old days . . . By the mid-seventies, I was working for him full time and soon after that we lost our ability to bring the larger jobs like cars, trucks, vans, sleighs, boats, etc inside. At the time, we were fortunate that our customers would work around this handicap just to get our level of skilled craftsmanship for their property that needed repair. They trusted us and we all trusted in the world around us to not cause us any problems with this arrangement. It did work well for many years, and nothing was ever harmed or stolen. By today's standards it would be a miracle, but back then it was still possible to leave things outside without it walking away.

Now, let's fast forward to the nineties. We personally began to suffer from petty thefts and minor vandalisms late at night, so we were honest with our customers and gave them fair warning if their property was going to remain outside overnight. It was no big deal to most of our customers including the City Shop. But as the nineties came to an end, so did the willingness of most people to take such risks. Leaving any vehicle outside at night, especially this close to Locust Street just isn't too wise a move any longer. Sad to say, but it has become even worse over the last few years. I've had to add bars to the shops windows and an alarm system. I hate how it has to be like a jail but you do what you have to do to keep your property safe.

My father chose this spot 44 years ago with future growth in mind. He even placed the original shop building where it is with future additions already drawn out by an architect long before they would ever be needed. He had figured that it would be re-zoned in less than twenty years into business/commercial. Then came the 1967 flood, Malls on the north side of town and the devastation that the tornado's of 1980 brought to them personally and to South Locust Street as a whole. With each new blow South Locust Street was harmed as far as growth and business expansion. We personally bounced back as best we could every single time with what we already had. And even with all of these set backs my father was still at least half right when it came to our own block, the Locust Street side of our block has been re-zoned business/commercial, and I'm sure that our side of the block will follow someday.

Now that South Locust Street seems to be on the move once again, and in a positive manner, we want to be at least a small part of that growth into a brighter future. We want to be a part of keeping local monies local and not have it spent in Lincoln and Omaha when it comes to

upholstery. With the added floor space we are asking for we can offer our customers both quality work and the piece of mind of basic security. And with that secure space we will also gain a heated work area that will allow steady work during the winter. With the added storage space that we are asking for we will be able to tear down our old and ugly storage area that hasn't much life left to give and replace it with a nice looking area. If you was a business, which would you rather have, especially since it can be seen from Locust Street? With this new and improved replacement storage area we will also gain enough space to finally have an office/showroom area. We want our business to look modern, fresh and inviting so that we can bring in a higher number and level of clientele. We want to be a part of the South Locust Street Improvements, but the only way that it can happen is with your permission to build the much needed expansions.

To set all your minds at ease let me make one thing clear, my family doesn't have any plans to engage in any other business areas than what we have engaged in for our livelihood for many years now. None of what we do in our shop is harmful to any of our neighbors in the least. Over the 57 years that this business has existed, we have never had a fire or even a spill of anything harmful. (We don't use any strange chemicals, bulk paints or any special kinds of solvents, the only thing we have that most people can't buy at the store is our contact cement.) The shop never had plumbing, so even that has been a non-issue since it was originally built. We don't allow smoking or open flames within our four walls. Our shop is a safe place and will remain that way.

The building department is happy with our proposed plans and they have given us a thumbs up, so it seems to be all up to you now. Will you OK our plans to improve the usability, exterior looks and of course profitability of our 57 year old business or will you sentence our shop to a slow and ugly death? When a business like ours dies, it can't be replaced locally. The start-up costs today are massive compared to what my father went through back in 1949 and that includes correcting for the differences in dollar purchase value. Unfortunately, the next logical place for people to go for good quality work will be Lincoln or Omaha soon. Not to say that there are no other shops locally for now, but several of them are owned by people that are from my father's era and they will not be around much longer sad to say.

Grand Island is all about progress and growth, and without keeping a strong base of small businesses that keeps the money flowing in the area we will be like a sailing ship without its sails . . . going nowhere.

We thank you for your time and consideration.

Sincerely,

Brad L. Harder I

Brad L Harder I, Owner
Harold's Upholstery Shop
215 W. South St.
Grand Island, NE 68801
(308) 382-1591



08-29-06





08/29/06