

APPLICATION NUMBER

5606

A REQUEST FOR

USE, PARKING RATIO, ACCESS & MANEUVERING, OFF-SITE PARKING, TREE PLANTING, AND LANDSCAPING VARIANCES TO ALLOW A CONVENIENCE STORE AND BEAUTY SALON, WITH SEVEN (7) ON-SITE PARKING SPACES, INADEQUATE ACCESS AND MANEUVERING AREA, PARKING IN THE RIGHT-OF-WAY, AND NO TREE PLANTINGS OR LANDSCAPING AREA IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE ZONING ORDINANCE REQUIRES A MINIMUM B-2, NEIGHBORHOOD BUSINESS DISTRICT ZONING, ONE (1) SPACE PER 300 SQUARE FEET OF FLOOR AREA, 24-FOOT TWO-WAY ACCESS AND DRIVEWAYS, ALL PARKING TO BE ON SITE AND OUT OF THE RIGHT-OF-WAY, AND TREE PLANTINGS AND LANDSCAPING

LOCATED AT

1350 ARLINGTON STREET

(Northwest corner of Arlington Street and Olive Street)

APPLICANT / OWNER

JADA & WILLIE MCELROY

BOARD OF ZONING ADJUSTMENT

APRIL 2010

The applicant is requesting Use, Parking Ratio, Access & Maneuvering, Off-Site Parking, Tree Planting, and Landscaping Variances to allow a convenience store and beauty salon, with seven (7) on-site parking spaces, inadequate access and maneuvering area, parking in the right-of-way, and no tree plantings or landscaping area in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum B-2, Neighborhood Business District zoning, one (1) space per 300 square feet of floor area, 24-foot two-way access and driveways, all parking to be on site and out of the right-of-way, and tree plantings and landscaping.

The applicant states that the proposed business will be family-operated (2-3 family employees) and will consist of a convenience store and beauty salon. The hours of operation will be Monday – Saturday, 8:00 am – 7:00 pm. The applicant further states that the property has been used commercially for the past 20 years and simply wishes to use it again as such.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

With regards to the applicant's request, the site has been used to a similar capacity for many years; it is indeed commercial in nature. The site is also very constrained with regards to parking and maneuvering area and almost no room for additional vegetation. Moreover, a similar request was approved just two blocks East of the subject site; here, the Board approved use, access/maneuvering, and landscaping/tree variance requests. The current applicant's proposal is for a less intense use on a smaller site regarding to open space.

However, the proposed design of the parking area deserves added attention. As illustrated on the site plan, the applicant has proposed a total of 9 parking spaces, 2 of which within the right-of-way of Olive Street. First, it should be mentioned that parking is strictly prohibited within rights-of-way. Second, the 7 spaces proposed on-site are arranged in such a way that does not follow any clear rule or logic, while some do not even comply with the size requirements of Section 64-6 of the Zoning Ordinance. With

virtually no maneuvering area, ingress and egress of vehicles will be severely limited. It is recommended that the applicant eliminate and landscape (restore grass and curb) the “curb-side” parking and revise the site plan to, at least, reasonably accommodate automobiles entering and exiting the site.

It should be further noted that, while full compliance may be difficult, there appears to be space available for tree planting along the rights-of-way. It is recommended that the applicant coordinate with the Urban Forestry Section of Urban Development regarding an appropriate level of compliance.

Finally, there is no dumpster illustrated on the site plan. The applicant should revise the site plan to provide a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance.

RECOMMENDATION 5606**Date: April 5, 2010**

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) revision of the parking area to provide an acceptable means of ingress/egress;
- 2) elimination of all parking within the rights-of-way, to be replaced with landscaping and curb;
- 3) coordination with Urban Forestry regarding tree planting;
- 4) provision of a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance;
- 5) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and
- 6) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5606/2239 DATE April 5, 2010

APPLICANT Jada & Willie McElroy

REQUEST Use, Parking Ratio, Access & Maneuvering, Off-Site Parking, Tree Planting, and Landscaping Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There are single family residential units west and north of the site, retail to the east, and apartments to the south.

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REQUEST and Landscaping Variances

LEGEND															
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



There are single family residential units west and north of the site, retail to the east, and apartments to the south.

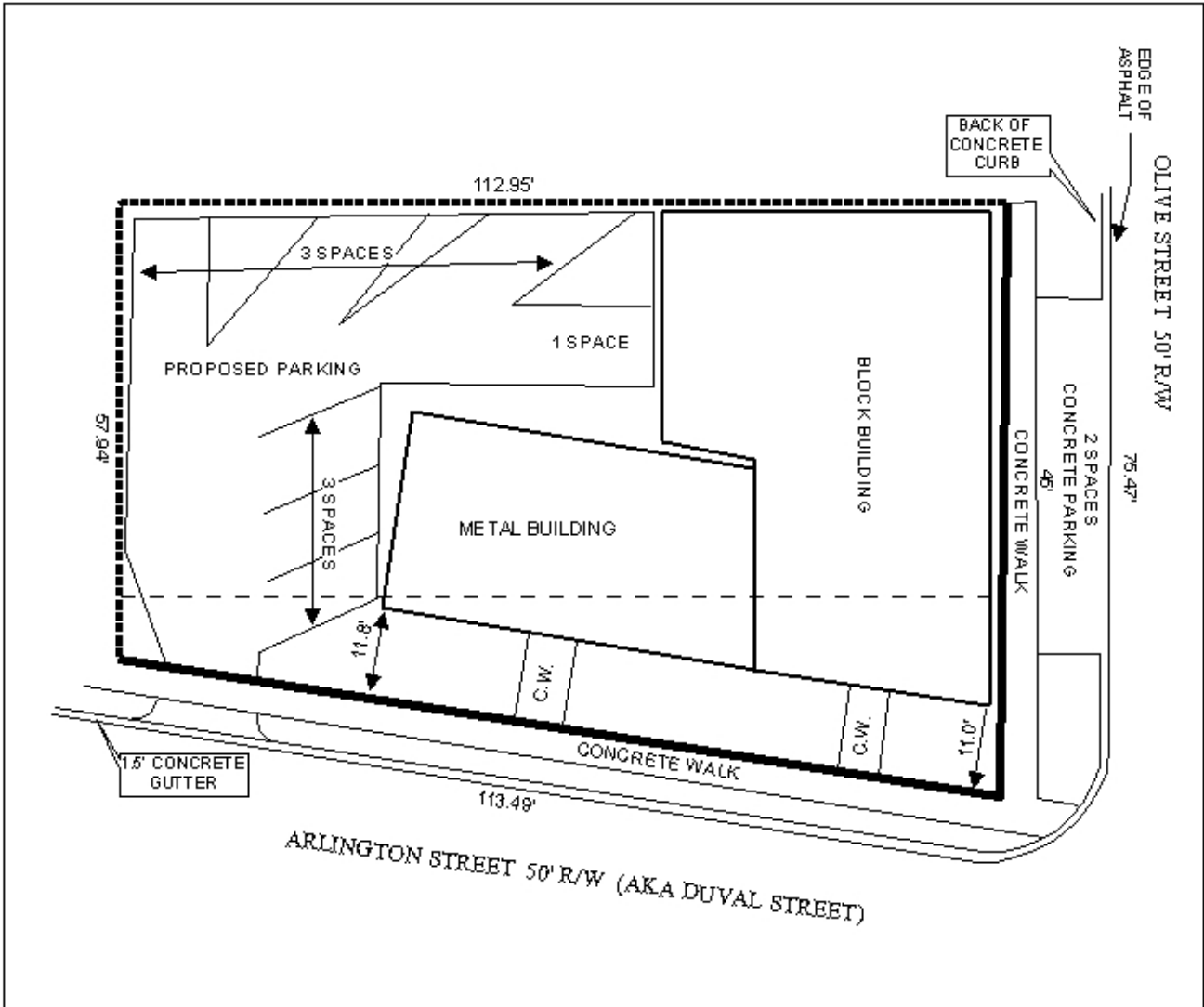
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SITE PLAN



The site plan illustrates the existing buildings, proposed parking, and drives.

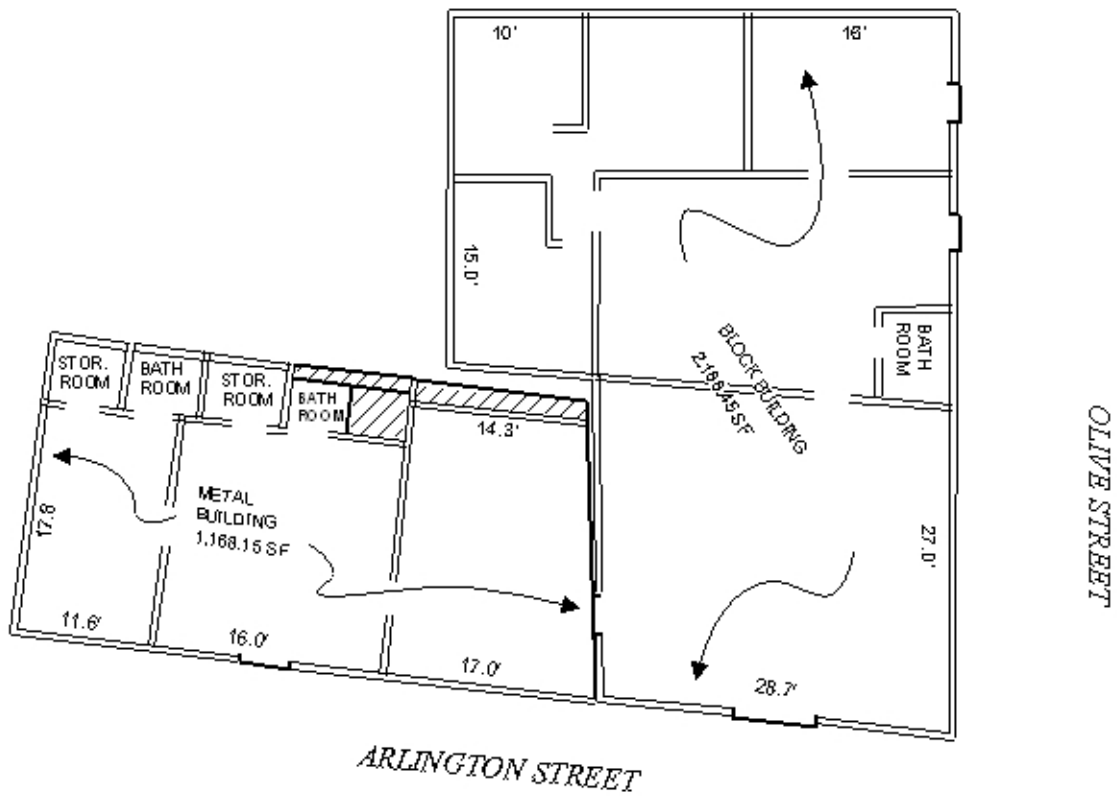
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DETAIL SITE PLAN



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