

APPLICATION NUMBER

5408

A REQUEST FOR

**USE AND ACCESS/MANEUVERING VARIANCES TO
ALLOW AN APPLIANCE SALVAGE YARD IN A B-3,
COMMUNITY BUSINESS DISTRICT WITH HEAD-IN,
BACK-OUT PARKING; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF AN I-1, LIGHT INDUSTRY
DISTRICT AND ALL ACCESS/MANEUVERING MUST BE
ON-SITE.**

LOCATED AT

1861 DUVAL STREET

(South side of Duval Street, 200' ± East of the South terminus of Murray Hill Court
[private street])

APPLICANT/AGENT/OWNER

RANDY HALLFORD

BOARD OF ZONING ADJUSTMENT

MONTH/YEAR

The applicant is requesting Use and Access/Maneuvering Variances to allow an appliance salvage yard in a B-3, Community Business District with head-in, back-out parking; the Zoning Ordinance requires a minimum of an I-1, Light Industry District and all access/maneuvering must be on-site.

The subject site has had several business licenses and zoning clearances over the past eleven years for a general contractor at times, and at other times for appliance repairs and sales. In late October 2006, a citizen complaint to the City Action Center concerning the use as an appliance recycling business initiated a zoning inspection of the site which revealed outside storage of used appliances with scrap sales. A zoning clearance was issued for appliance sales, but a Notice of Violation was issued to remove all junk appliances and parts from the yard. Outside storage of the appliances is not allowed in a B-3 district. The applicant has not removed the majority of the appliance carcasses as required and now desires to be allowed to continue operating the appliance salvage yard on the property and retain the existing nonconforming parking arrangement in the front yard.

The applicant states that the business operation will consist of the repair and rebuilding of household appliances as well as the buying, selling, trading, and delivering of such. Five employees are proposed to be used with additional employees bringing old appliances to the yard for repairs. One or two employees will be used to remove scrap metal from the site for recycling. No reasons for hardships associated with the site were submitted with the application.

With regard to the use variance request, the neighborhood surrounding the site is mixed-use with some single and multi-family residential, church, light retail, offices, and auto repair, as well as a City park adjacent to the rear. The applicant is requesting that the property be allowed a Light Industrial use, and the approval of this request would essentially create a new I-1, Light Industry District. No other neighboring sites are used in such a capacity. Moreover, it should be noted that use variances may alter the character of a neighborhood beginning a domino effect, as adjacent properties seek similar requests due to the changing character of the area, and the Board should consider denying this request.

With regard to the retention of the existing nonconforming access/maneuvering area in the front yard of the site, in light of the fact that the use variance request is encouraged for denial, consideration of this would be a mute point.

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.

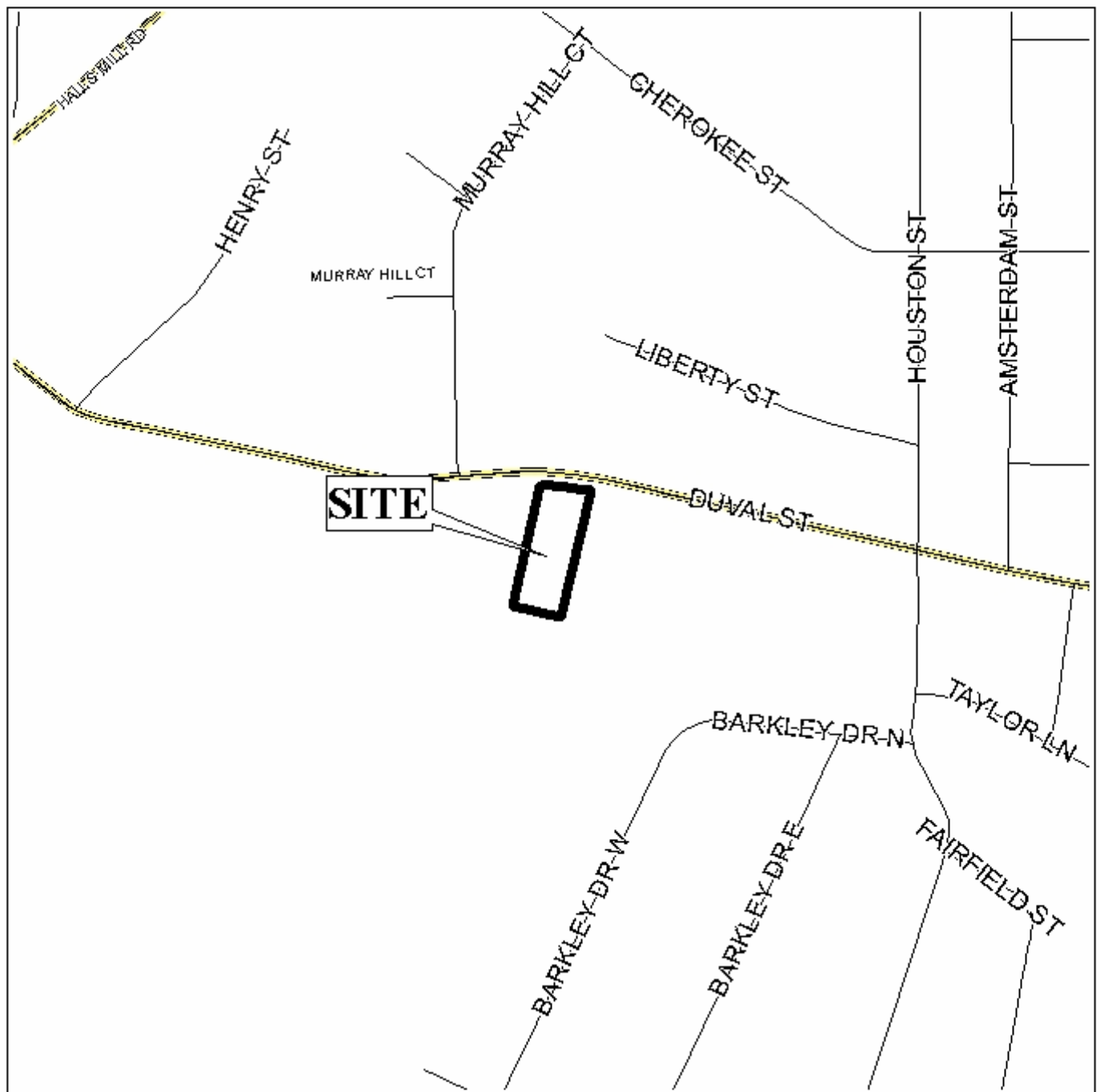
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to operate an appliance salvage yard in a B-3, Community Business District, with substandard access/maneuvering area.

RECOMMENDATION 5408**Date: March 5, 2007**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP

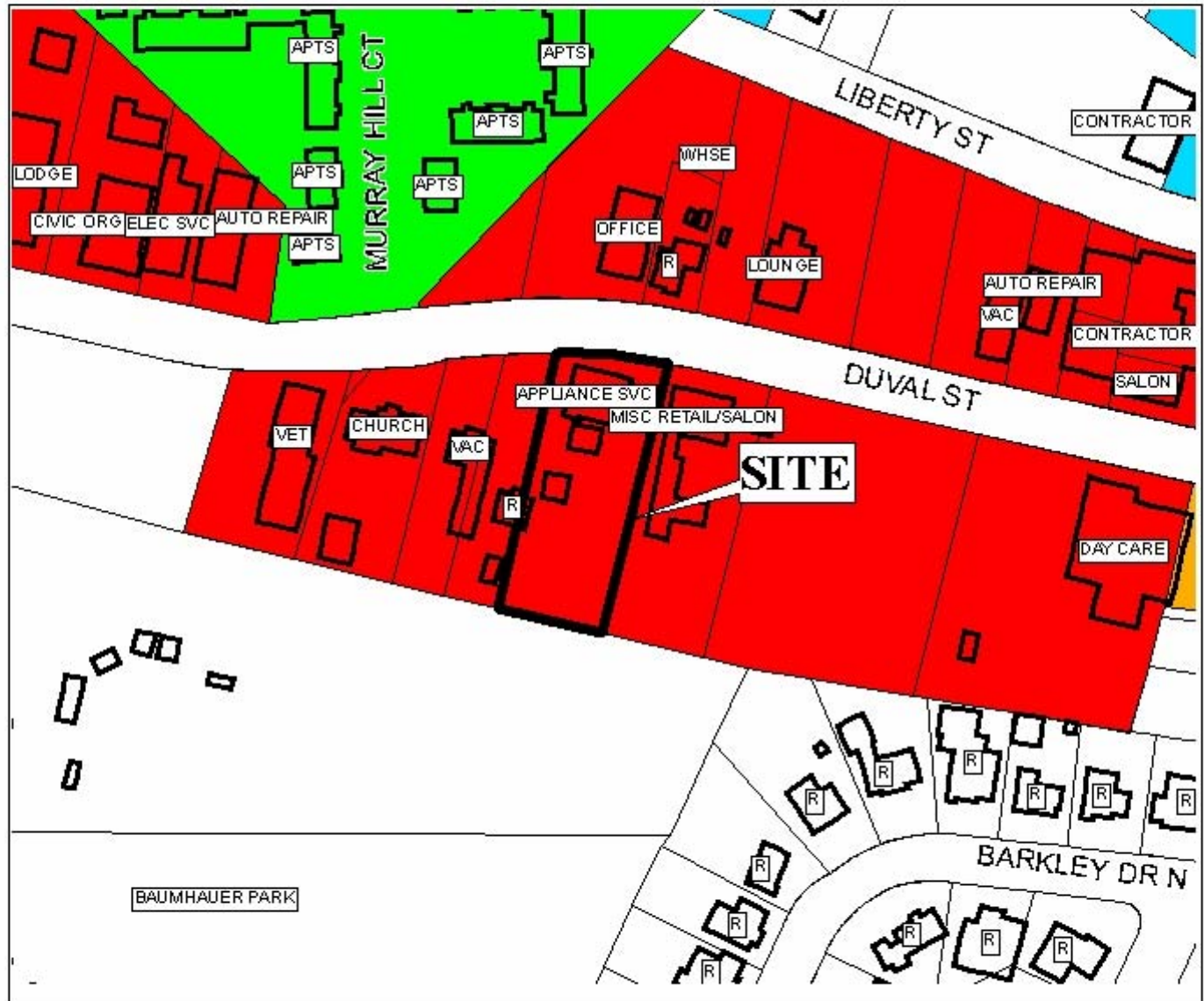


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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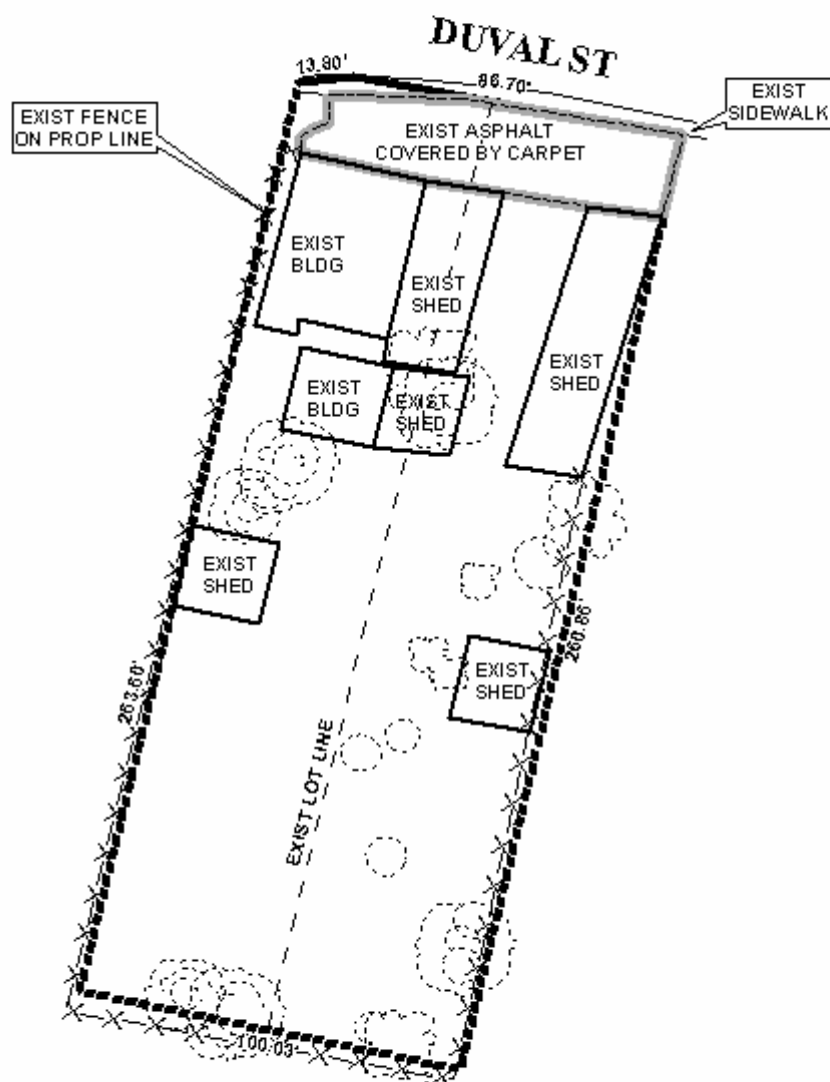
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The site plan illustrates the existing buildings, surfaces, and fencing

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