

APPLICATION NUMBER

**5410**

A REQUEST FOR

**USE VARIANCE TO ALLOW AN AUTOMOTIVE  
MECHANIC SHOP IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE  
REQUIRES A MINIMUM OF B-3, COMMUNITY  
BUSINESS DISTRICT.**

LOCATED AT

**1250 ARLINGTON STREET**

(Northwest corner of Arlington Street and Bascombe Street)

APPLICANT/AGENT/OWNER

**THOMAS M. KAOUI**

**BOARD OF ZONING ADJUSTMENT**

APRIL 2007

The applicant is requesting a Use Variance to allow an automotive mechanic shop in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of B-3, Community Business District.

The subject property is a nonconforming commercial site assigned R-1 zoning with the adoption of the current Ordinance in 1967. The last bona fide business license activity expired in July 1989 and the site lost its legal nonconforming status in July 1991. In October 2004 a Zoning Certificate was sought for an auto repair shop but denied due to the R-1 status of the property. The business operated without Zoning Clearance or a Business License until a Notice of Violation was issued to cease operation or seek rezoning or a use variance, hence this application.

The applicant now desires to re-establish legal use of the property as an automotive mechanic shop and states that the site has been a service station and mechanic shop for over fifty years (albeit vacant for many years). The property is stated as being different from neighboring properties because it is a business, not a residence, and has no bedrooms or kitchen, and has two bays for automotive repair work. The applicant proposes to operate the shop from 8:00 AM to 5:00 PM Monday through Saturday and will have two employees and expects three customers per day. It is stated that there will be no equipment used which will create any loud noises. Site improvements proposed include tree plantings as required.

The immediate neighborhood is a mixture of conforming single-family and multi-family residential uses, legal nonconforming commercial use, and commercial use by variances. Based upon the commercial nature of the structure, the fact that the property was previously utilized commercially, and the surrounding used mixes, it appears the site would fit the criteria for the granting of this variance.

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.

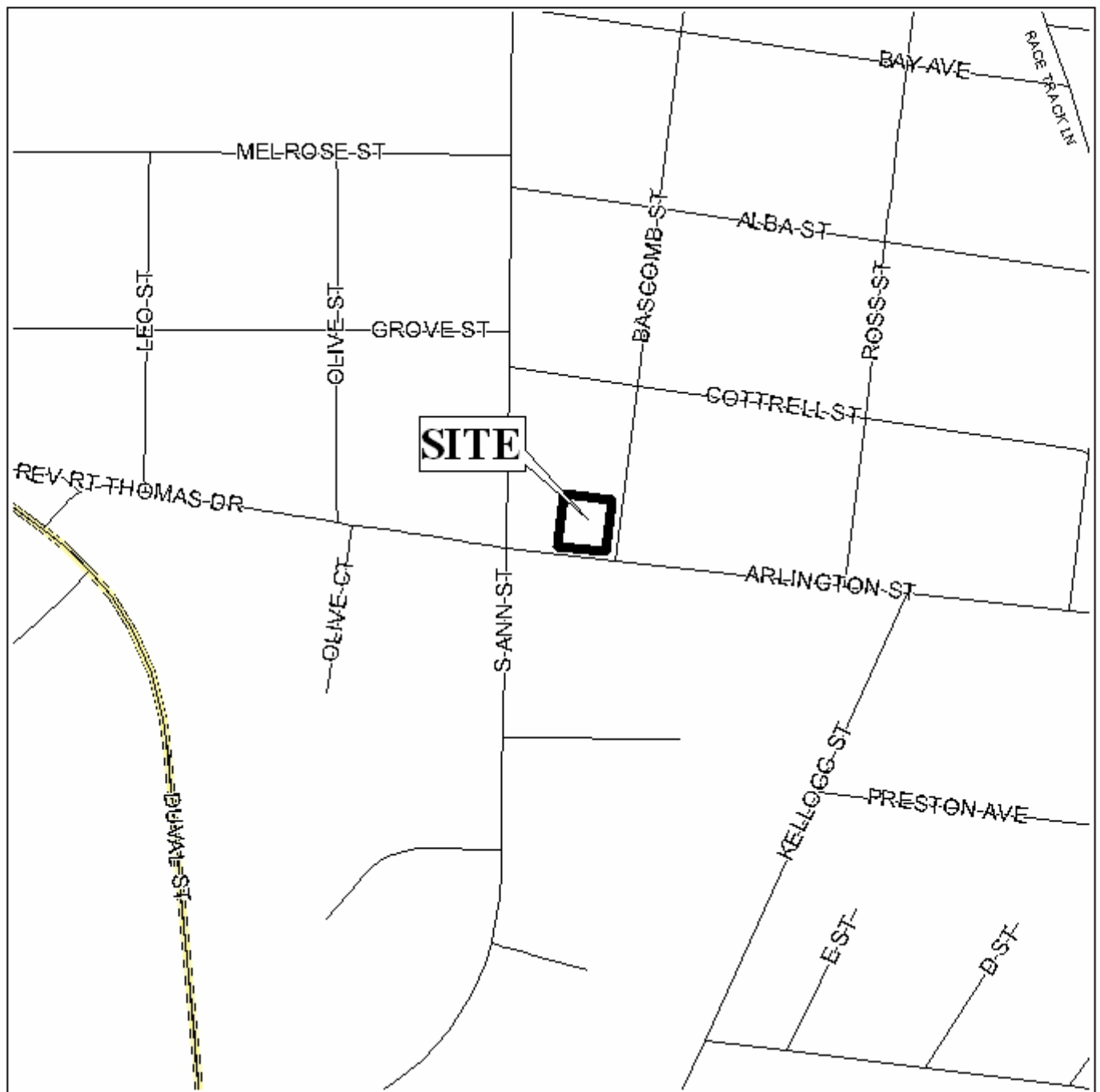
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant has illustrated that the site is uncharacteristic of and cannot adequately be utilized as a single-family residence and is willing to make improvements to re-establish its viability for commercial use. The Board should consider approving this variance with conditions.

**RECOMMENDATION 5410****Date: Month Day, Year**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) full compliance with the landscaping and tree planting requirements of the Ordinance; (2) reconfiguration of curb cuts to be coordinated with Traffic Engineering; (3) the hours of operation be limited to 8:00 AM – 5:00 PM Monday through Saturday as stated in the application; and (4) the provision of a 6' wooden privacy fence along the North property line where the site adjoins residential use.

# LOCATOR MAP



APPLICATION NUMBER 5410 DATE April 2, 2007  
APPLICANT Thomas M. Kaoui  
REQUEST Use Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a restaurant and retail to the west of the site, a salon and single family residential units to the north, an auto repair and single family residential units to the east, and apartments south of the site.

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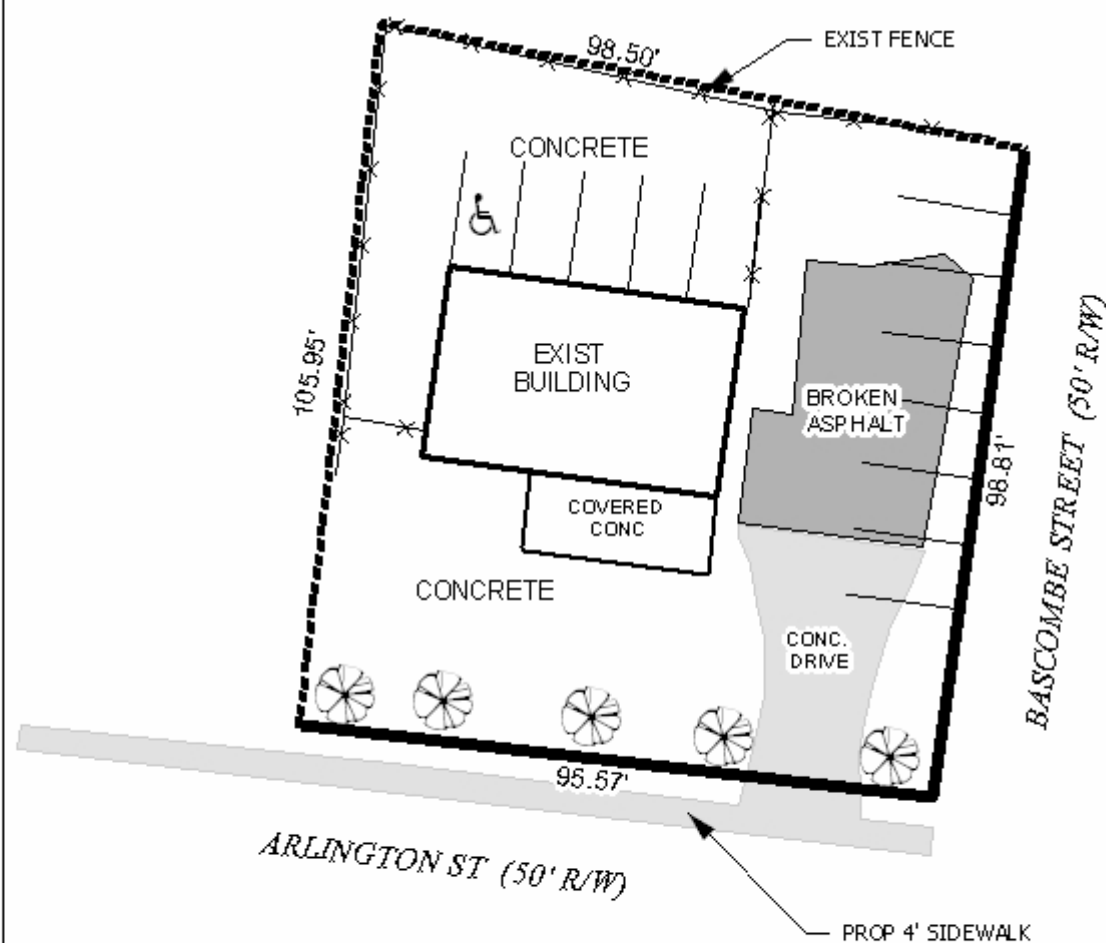
LEGEND

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 existing buildings, parking, concrete, existing fence, and proposed sidewalk.

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