

APPLICATION NUMBER

5178

A REQUEST FOR

**USE VARIANCE TO ALLOW THE OVERNIGHT
PARKING OF A MOVING TRUCK IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT; OVERNIGHT
PARKING OF A MOVING TRUCK IS ALLOWED BY
RIGHT IN B-3, COMMUNITY BUSINESS DISTRICTS**

LOCATED AT

(Northeast corner of Old Shell Road and Hyland Avenue)

APPLICANT/OWNER

PATRICK ROBBINS FLYNN

BOARD OF ZONING ADJUSTMENT

MAY 2003

The applicant is requesting a Use Variance to allow the overnight parking of a moving truck in a B-2, Neighborhood Business District; overnight parking of a moving truck is allowed by right in B-3, Community Business District.

The Zoning Ordinance allows mini-storage facilities in B-2 districts with Planning Approval, which was approved with several conditions at the March 21, 2003 Commission meeting. However, the storage of the moving van and/or delivery vehicle(s) requires B-3 zoning or the approval of this Use Variance application.

Concerning maneuverability for the proposed use of the moving truck, as illustrated on the plans submitted, there is insufficient maneuvering area on this site as proposed to comply with the required turnaround and circulation area for maneuvering a truck or van.

Usually, mini-storage buildings lease/rent small storage areas approximately 100 square-feet in area. Vehicles that deliver items to mini-storage facilities are typically cars, vans and pick-up trucks that are there no longer than one hour. This Use Variance would allow the storage of this vehicle on-site.

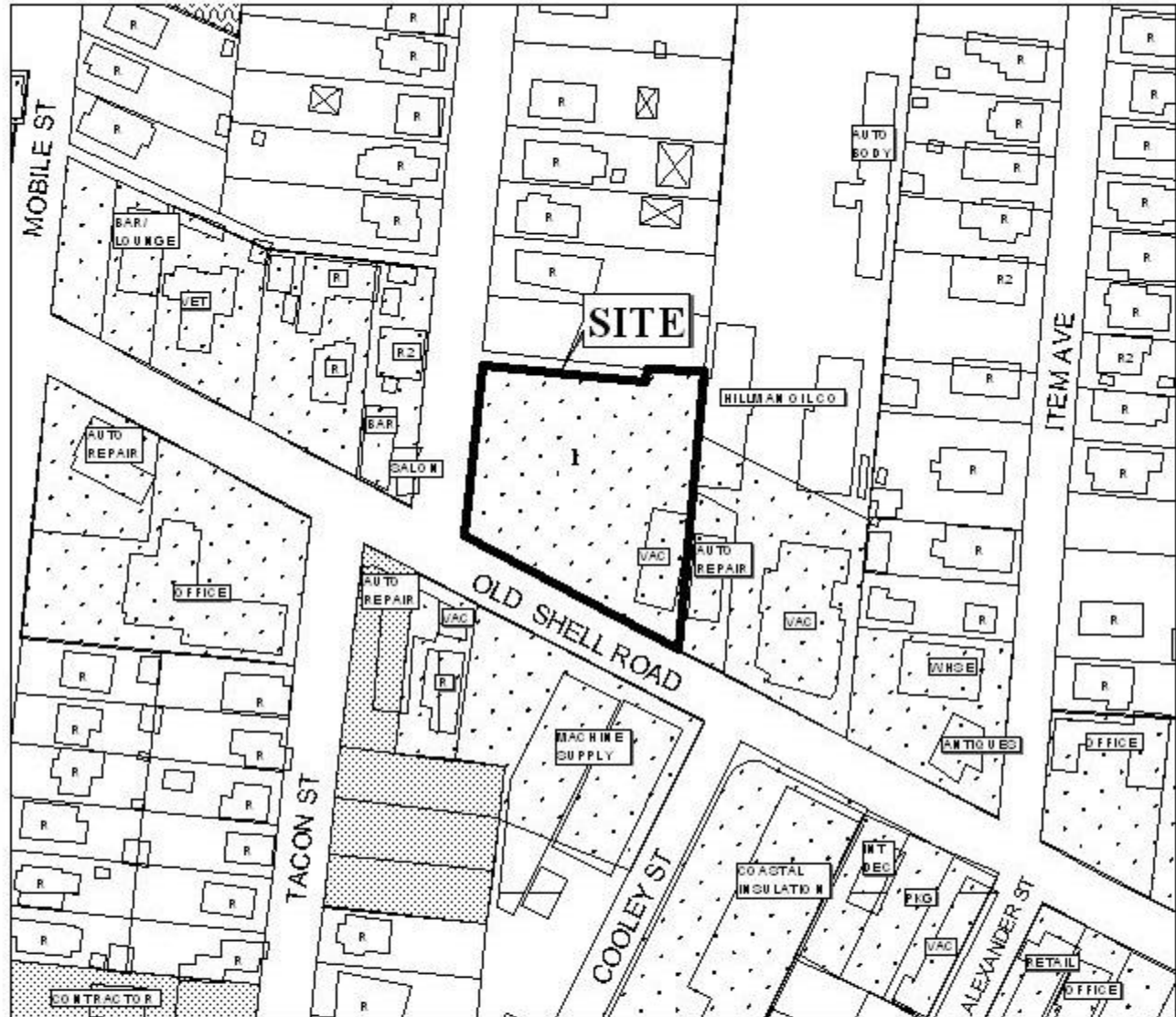
The Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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. The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to be allowed to store a moving truck at this location. In addition, the granting of the Use Variance could set an undesirable precedent and could encourage future applications of a similar nature.

RECOMMENDATION 5178**Date: May 5, 2003**

Based on the preceding, it is recommended that this application be denied.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are located north of the site.
To the east, south and west are mixed commercial uses.

APPLICATION NUMBER 5178 DATE May 5, 2003

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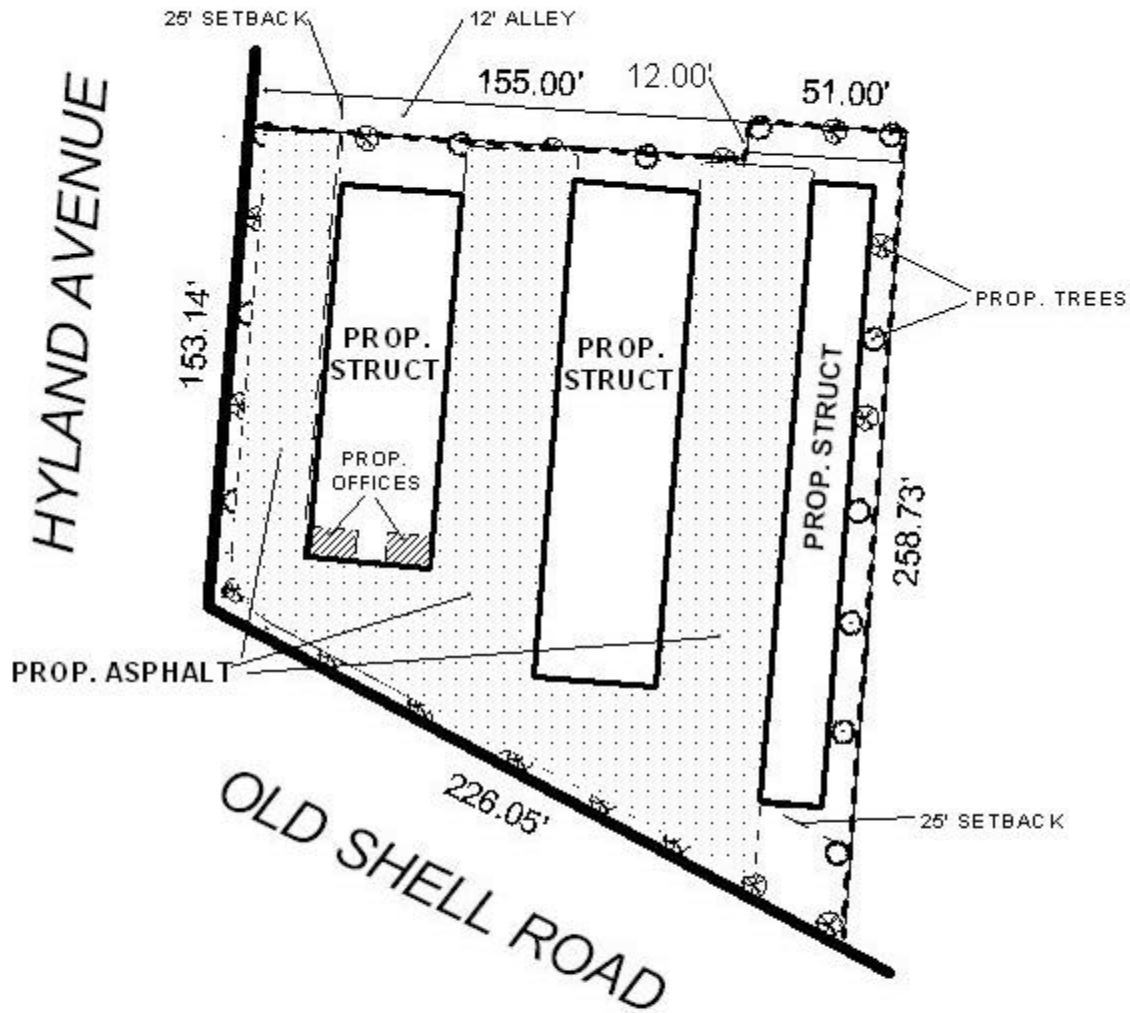
REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site is located at the Northeast corner of Old Shell Road and Hyland Avenue. The plan illustrates the existing and proposed structures, fence and pavement.

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 USE/REQUEST Use Variance

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