

APPLICATION NUMBER

5236

A REQUEST FOR

**AGGREGATE SURFACE VARIANCE TO ALLOW
CRUSHED CONCRETE FOR PARKING, LOADING AND
UNLOADING OF DELIVERY TRUCKS; THE ZONING
ORDINANCE REQUIRES ALL PARKING, LOADING AND
UNLOADING TO BE ASPHALT, CONCRETE OR AN
APPROVED ALTERNATIVE PAVING SURFACE**

LOCATED AT

2944 MCVAY DRIVE NORTH

(East side of McVay Drive North at the terminus of Bolling Brothers Boulevard)

APPLICANT/OWNER

DAVIS PROPERTIES, LLC

AGENT

FRANK A. DAGLEY & ASSOCIATES

BOARD OF ZONING ADJUSTMENT

APRIL 2004

The applicant is requesting Aggregate Surface Variance to allow crushed concrete for parking, loading and unloading of delivery trucks; the Zoning Ordinance requires all parking, loading and unloading to be asphalt, concrete or an approved alternative paving surface.

The applicant states that the site will be developed as an ice cream parlor and distribution facility, with a small warehouse area located in the rear of the building. Besides retail sales of ice cream associated with the business, the applicant owns several delivery trucks that will deliver products every day.

The applicant states that an aggregate surface is required instead as delivery trucks could cause damage to an asphalt lot. In addition, the applicant states that the use of the parking area in the rear of the site is strictly for company trucks.

While there are some perceived advantages to crushed limestone parking lots (cost, aesthetics, drainage), there are also disadvantages, such as the inability to delineate spaces, migration of the aggregate material, and potential damage to vehicles. Also, after years of use, crushed limestone becomes “compacted”, forming an impervious surface that is not beneficial for drainage.

Moreover, there are other alternative parking surfaces allowed by the Zoning Ordinance that would meet most of the needs and desires of the applicant. These options include interlocking pavers, porous asphalt or grasscrete. Any of these surfaces could be allowed without the need for a variance.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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.

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 have aggregate parking surface in a B-3, Community Business district.

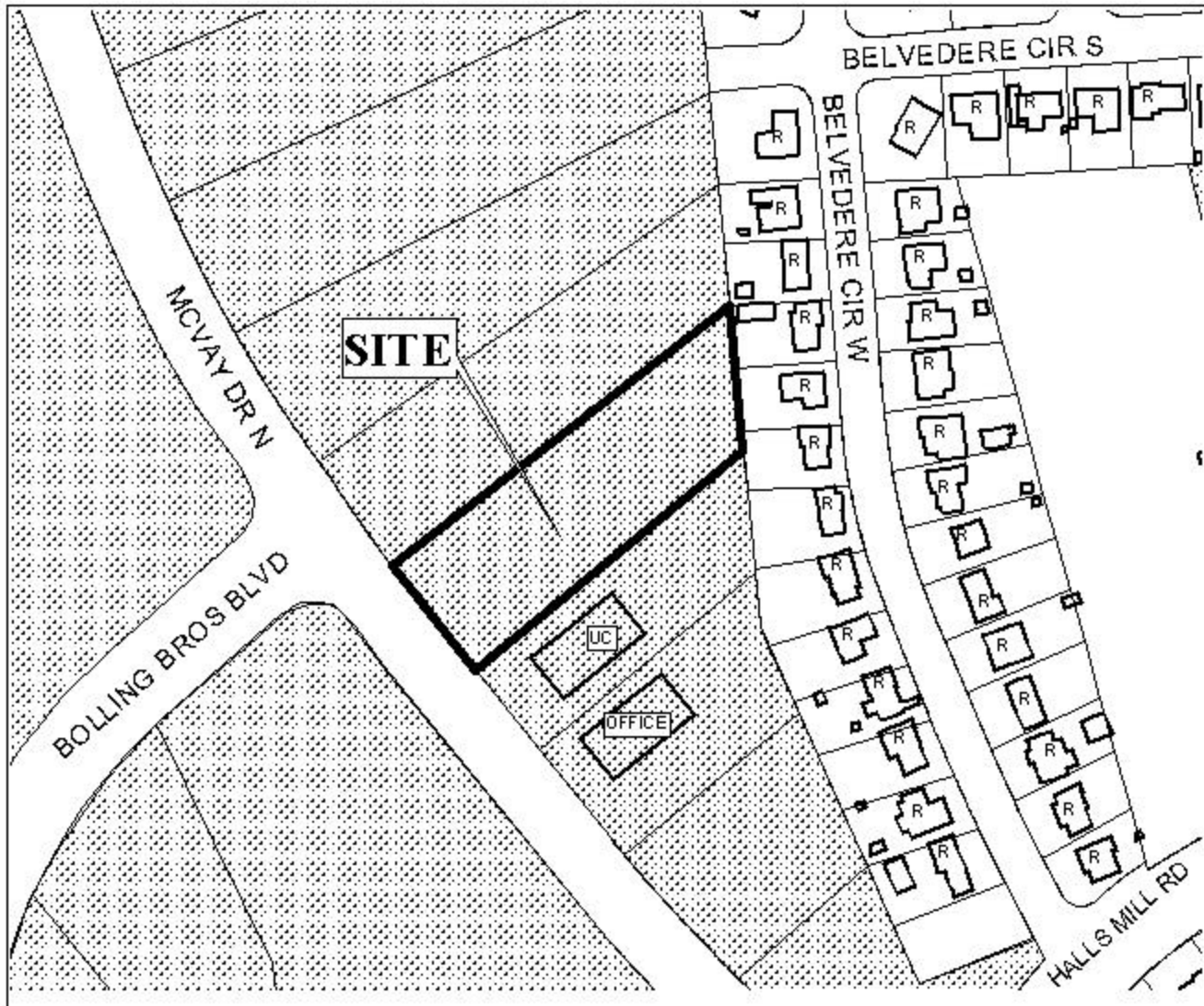
In addition, the granting of such a variance would set an undesirable precedent and would encourage future applications of a similar nature.

RECOMMENDATION 5236**Date: April 5, 2004**

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

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Located to the North and West of the site are vacant properties; to the East are single family residential dwellings. Located to the South of the site is an office.

APPLICATION NUMBER 5236 DATE April 5, 2004

APPLICANT Davis Properties, LLC

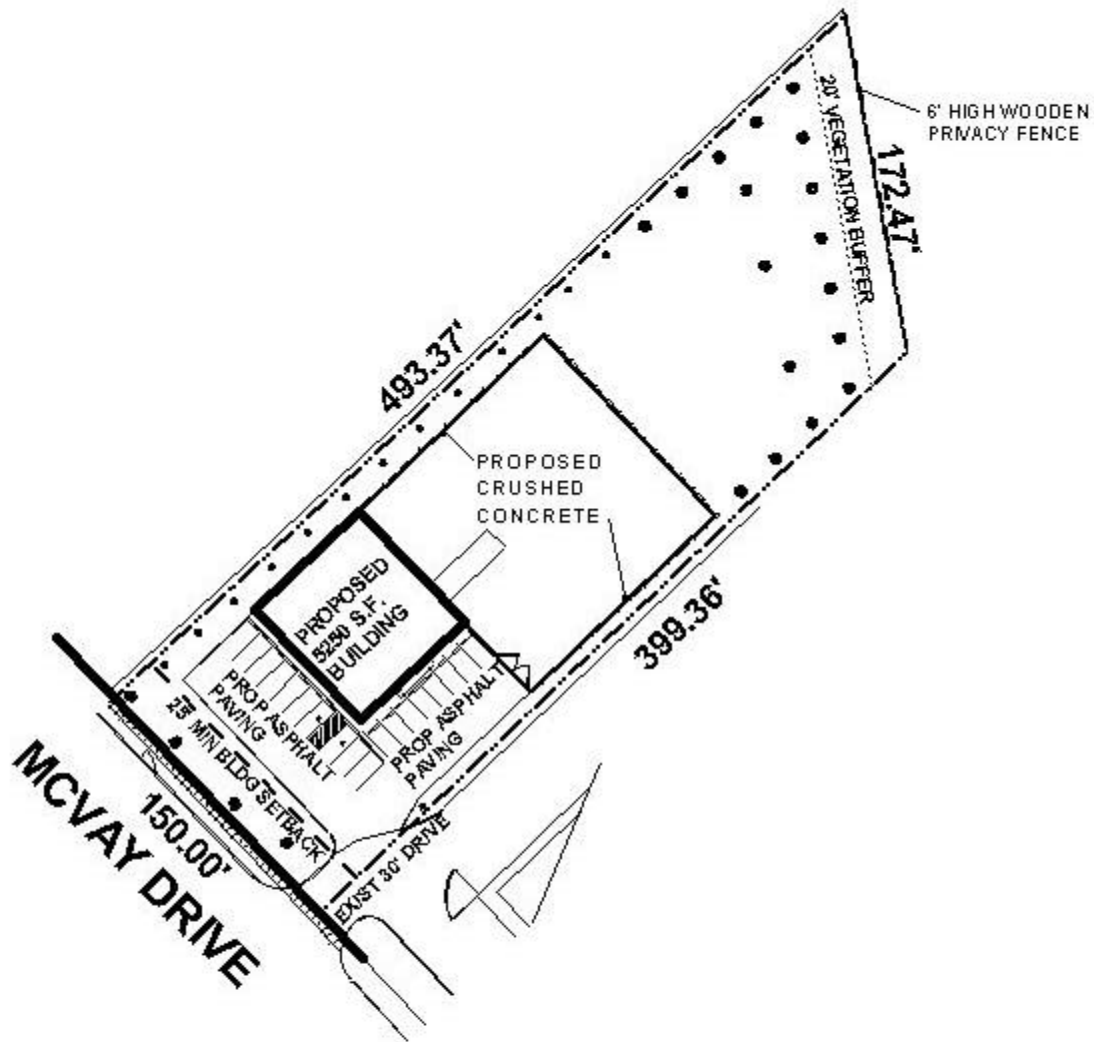
REQUEST Aggregate Surface Variance

LEGEND

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



SITE PLAN



The site is located on the East side of McVay Drive at the terminus of Bolling Brothers Boulevard. The plan illustrates the proposed building, parking, and aggregate surface.

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 USE/REQUEST Aggregate Surface Variance



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