

APPLICATION NUMBER

5287

A REQUEST FOR

**USE VARIANCE TO ALLOW A TATTOO PARLOR IN A
B-2, NEIGHBORHOOD BUSINESS DISTRICT; THE
ZONING ORDINANCE REQUIRES A MINIMUM OF A B-3,
COMMUNITY BUSINESS DISTRICT**

LOCATED AT

2411 GOVERNMENT STREET

(Southeast corner of Government Street and Pinehill Drive)

APPLICANT

RUSSELL ADCOCK

OWNER

JOHN BRIGHT

BOARD OF ZONING ADJUSTMENT

JANUARY 2005

The applicant is requesting a Use Variance to allow a tattoo parlor in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of a B-3, Community Business District.

The applicant is currently operating The Eye Scream Shoppe a business that generates approximately 64-percent of revenue by retail sales and 36-percent by tattooing. Since, tattooing is an accessory use (less than 50-percent of business), secondary to the retail, a Zoning Clearance was issued.

The applicant proposes now to have tattooing as the primary use of the business and retail sales as an accessory to a tattoo shop. The applicant does not state the hours of operation or any hardships associated with the property.

The district regulations for B-2, Neighborhood Business are designed to protect the business character of the area by prohibiting businesses and activities that are considered out of character with the surrounding uses.

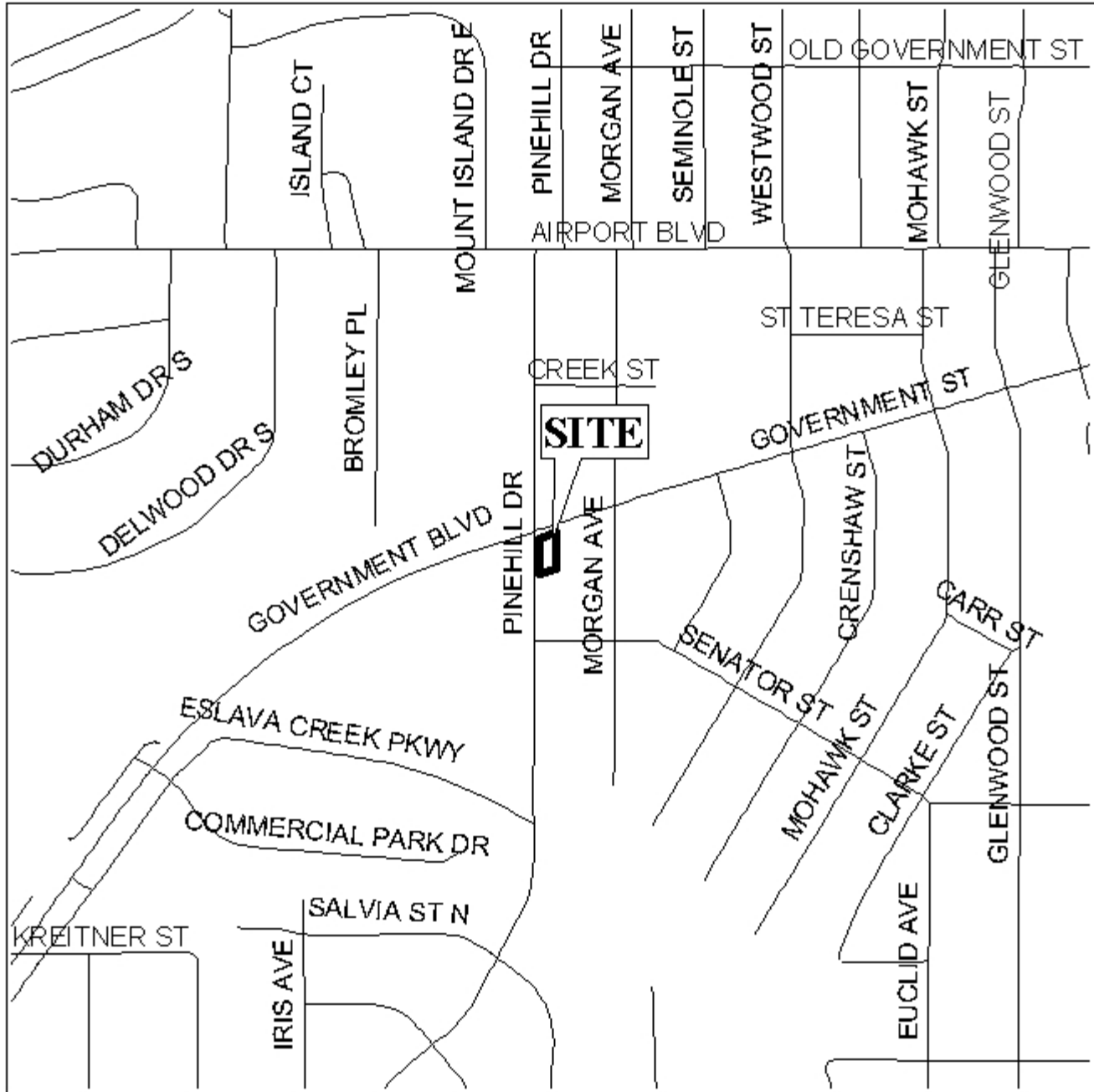
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 use this property as a tattoo shop.

RECOMMENDATION 5287**Date: January 10, 2005**

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

LOCATOR MAP



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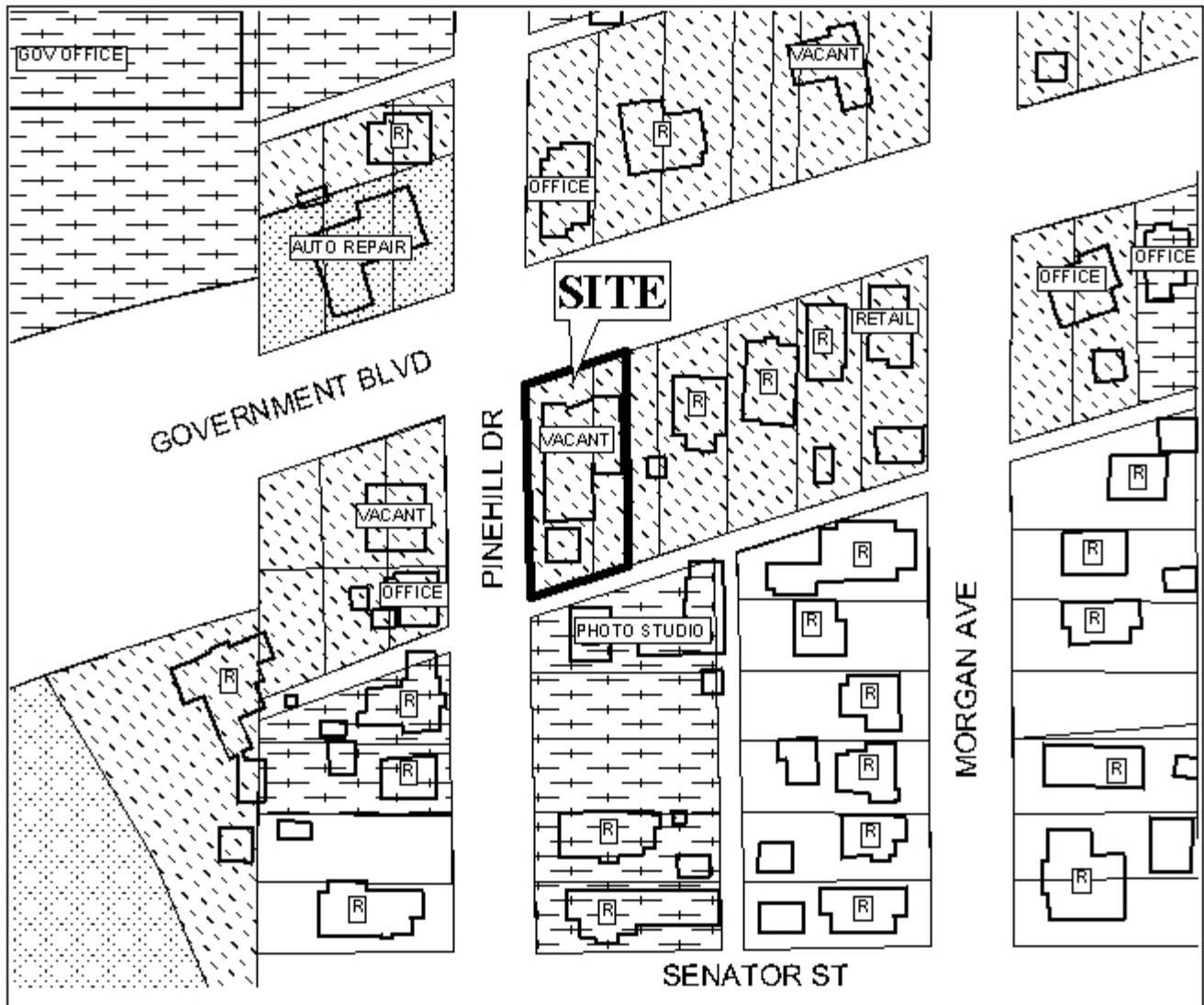
APPLICANT Russel Adcock (John Bright, Owner)

REQUEST Use Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

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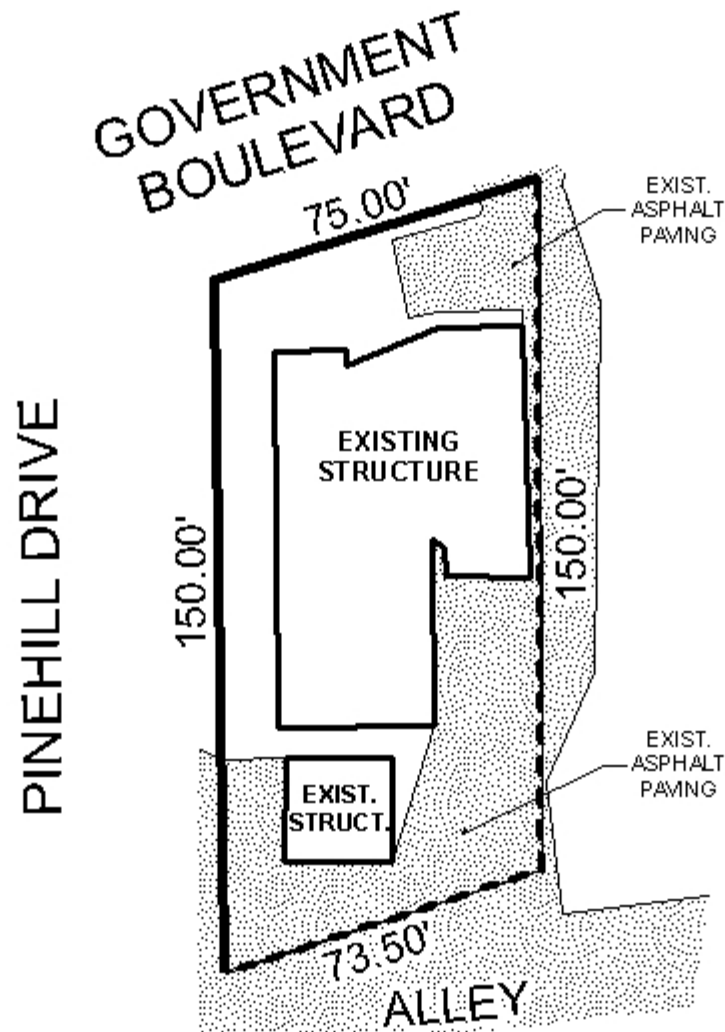
LEGEND

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|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
| | | | | | | | | | | | | | |
| 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 is located at the Southeast corner of Government Street and Pinehill Drive.
The plan illustrates the existing structures and parking.

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