

APPLICATION NUMBER

5325

A REQUEST FOR

**USE, PARKING RATIO, LANDSCAPING AND TREE PLANTING
VARIANCES TO ALLOW AN EXISTING 3,255 SQUARE FOOT
BUILDING AS A FURNITURE, ANTIQUE AND COLLECTABLE
SHOP IN A R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH
NO ON-SITE PARKING AND NO LANDSCAPING AND TREES;
THE ZONING ORDINANCE REQUIRES A MINIMUM B-2,
NEIGHBORHOOD BUSINESS DISTRICT FOR A FURNITURE
STORE, ELEVEN ON-SITE PARKING SPACES, THAT 12% OF
THE SITE BE LANDSCAPED WITH 60% LANDSCAPING WITHIN
THE FRONT OF THE BUILDING LINE, AND THE PLANTING OF
FIVE OVERSTORY AND TWO UNDERSTORY TREES**

LOCATED AT

360 RAPIER AVENUE

(Northwest corner of Rapier Avenue and Texas Street)

APPLICANT

THOMAS THAMES

OWNER

GEORGIA T. BECKHAM

BOARD OF ZONING ADJUSTMENT

OCTOBER 2005

The applicant is requesting Use, Parking Ratio, Landscaping and Tree Planting Variances to allow an existing 3,255 square foot building as a furniture, antique and collectable shop in a R-1, Single-Family Residential district with no on-site parking and no landscaping and trees; the Zoning Ordinance requires a minimum B-2, Neighborhood Business district for a furniture store, eleven on-site parking spaces, that 12% of the site be landscaped with 60% landscaping within the front of the building line, and the planting of five overstory trees and two understory trees.

The applicant is proposing to remodel an existing 3,255 square foot commercial building to use as a furniture, antique and collectible shop. The applicant goes on to state that the building encompasses most of the property making the requirements for parking and landscaping nearly impossible.

The applicant states that no heavy machinery will be used and that there will be no excessive noise or odors. The shop will be open during normal business days from 8:00 am to 5:00 pm and will have two employees. The applicant does not anticipate heavy customer volumes.

The applicant states that there is sufficient room for five parking spaces along Texas Street to satisfy the demand for parking, which is the only area for parking on the entire site.

The applicant applied for a business license in April, the Revenue Department sent the request to Urban Development which verified that the site was zoned R-1, Single-Family Residential and denied the zoning certification.

The district regulations are very explicit for R-1, Single-Family Residential, are designed to protect the residential character of the area by prohibiting businesses.

A search of Urban Development records show a nonconforming affidavit was submitted in 1987 stating a combination corner store, game room and laundry mat, known as Alexander Corner Mart occupied the site from 1986 to 1987, and was closed in early 1987. However, a search of the business records illustrated no businesses at this location since 1985. Furthermore, a search of the Polk directory since 1989 shows 360 Rapier Avenue as vacant, thus illustrating the site has lost its nonconforming status.

Several points must be brought to the Board's attention concerning this variance application. The proposed plan does not illustrate any delineated parking spaces for this site; and while documentation for non-conforming parking ratio has not been submitted, the applicant states that he proposes two employees and customers each day. This would indicate that two parking spaces should be provided, one for each employee, as it is likely that each employee would drive to work in a separate vehicle. Furthermore, with two

employees, it would logically follow that customers would drive a separate vehicle as well.

The Zoning Ordinance states that a nonconforming use can continue unless the use ceases to operate for longer than two years. Zoning Ordinances use this process as a tool to eliminate nonconforming uses through attrition.

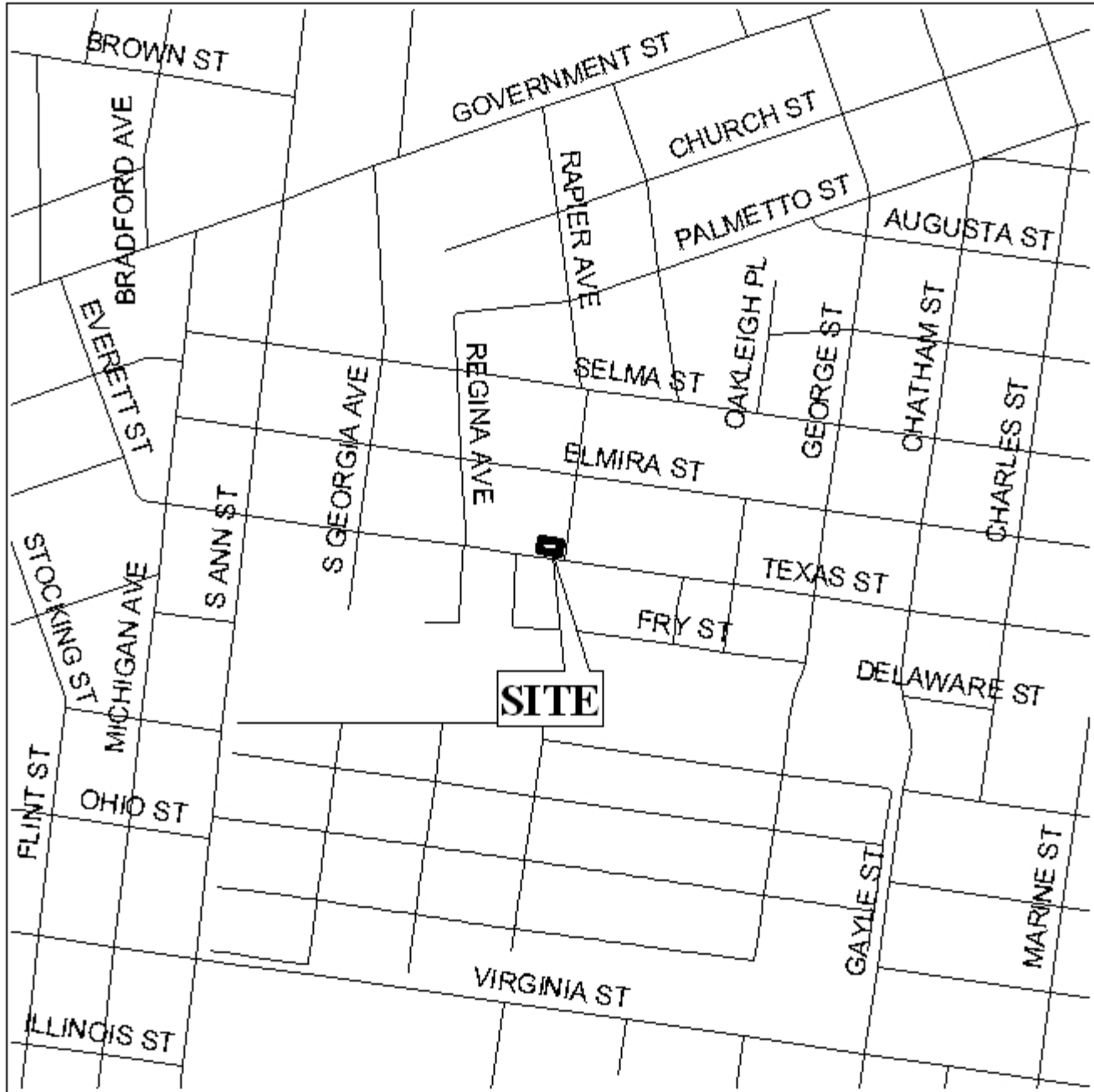
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 furniture, antique and collectible shop with no parking, landscaping and trees.

RECOMMENDATION 5325**Date: October 3, 2005**

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

LOCATOR MAP



APPLICATION NUMBER 5325 DATE October 3, 2005

APPLICANT Thomas Thames (Georgia T. Beckham, Owner)

REQUEST Use, Parking Ratio, Landscaping and Tree Planting Variances

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single and multi-family residential dwellings.

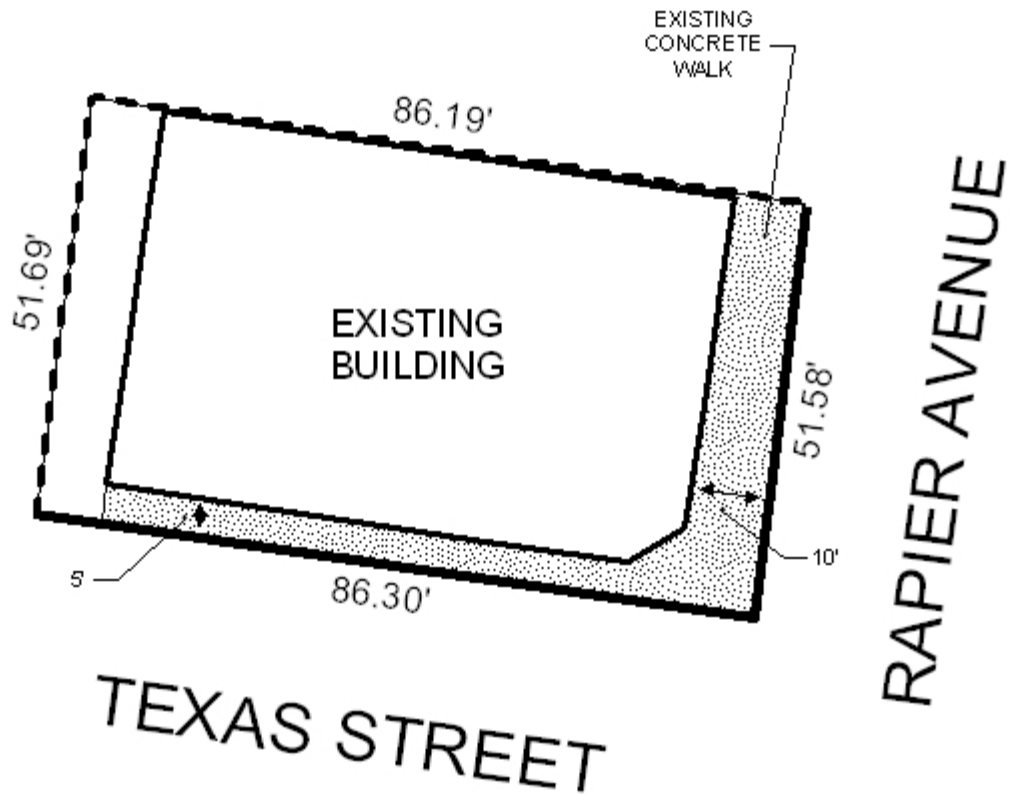
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LEGEND

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	NTS
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SITE PLAN



The site is located at the Norhtwest corner of Rapier Avenue and Texas Street.
The plan illustrates the existing structure and sidewalk.

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NTS