

APPLICATION NUMBER

**5407**

A REQUEST FOR

**ACCESS/MANEUVERING VARIANCE TO ALLOW  
TRUCK TRAFFIC TO BACK INTO AN OFF-STREET  
LOADING FACILITY FROM THE PUBLIC RIGHT-OF-  
WAY; OFF-STREET TRUCK LOADING FACILITIES  
MUST BE SO ARRANGED THAT VEHICLES ARE NOT  
REQUIRED TO BACK FROM THE STREET INTO AN  
AREA.**

LOCATED AT

**3140 LEES LANE**

(West side of Lees Lane, 530'± South of Gordon John Drive)

APPLICANT

**AMERICAN DISTRIBUTION CO.**

AGENT

**FRANK A. DAGLEY & ASSOCIATES, INC.**

OWNER

**CRAIG RAINES & ADAM DAWE**

**BOARD OF ZONING ADJUSTMENT**

FEBRUARY 2007

The applicant is requesting an Access/ Maneuvering Variance to allow truck traffic to back into an off-street loading facility from the public right-of-way; off-street truck loading facilities must be so arranged that vehicles are not required to back from the street into an area.

The applicant states that its business has grown significantly during the past few years requiring the existing building to be expanded. In conjunction with the expansion, a truck dock for unloading is needed, but due to the size of the lot, there is insufficient room for trucks to maneuver on site and backing in from the right-of-way is the only option. It is further stated that since the business is located near the end of a dead-end street, traffic on the street is minimal. According to the applicant's estimate there are normally no more than three or four vehicles per hour passing by and the number of trucks to be unloaded is approximately one every two weeks. The applicant states that since this property is on a dead end street with an extremely low traffic volume, it is different from neighboring properties along Halls Mill Road and that traffic congestion and safety will not be an issue. It is further stated that if this variance is not approved, the business will suffer a hardship by not being able to expand.

With regard to the current low traffic volume along Lees Lane, that is subject to change. The subject site is at the Northwest corner of Lees Lane and an unnamed, unopened public right-of-way street stub leading to the undeveloped portion of S & L Industrial Park Subdivision. Two open public rights-of-way stub into this undeveloped site, Azalea Road on the West, and Gordon John Drive on the North, and once the site is developed, the unnamed stub adjacent to the applicant's site is subject to be opened. This would allow flow-through traffic from Lees Lane to Halls Mill Road via Azalea Road, and would also allow flow-through traffic from Lees Lane to Gordon John Drive. This would create a cross-connection from Lees Lane to Halls Mill Road and the potential exists for an increase in traffic volume along Lees Lane. Traffic Engineering has conducted a review of the site and determined that since there is no room for maneuvering capabilities on the site, as currently designed, large vehicles maneuvering in the right-of-way and backing into the site would not be desirable and has encouraged denial of the application.

With regard to the applicant's contention that the size of the lot creates a truck maneuvering hardship, the expansion should have been designed with the proper allowances for such maneuvering. There do not appear to be any natural conditions associated with the property which would contribute to a hardship.

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.

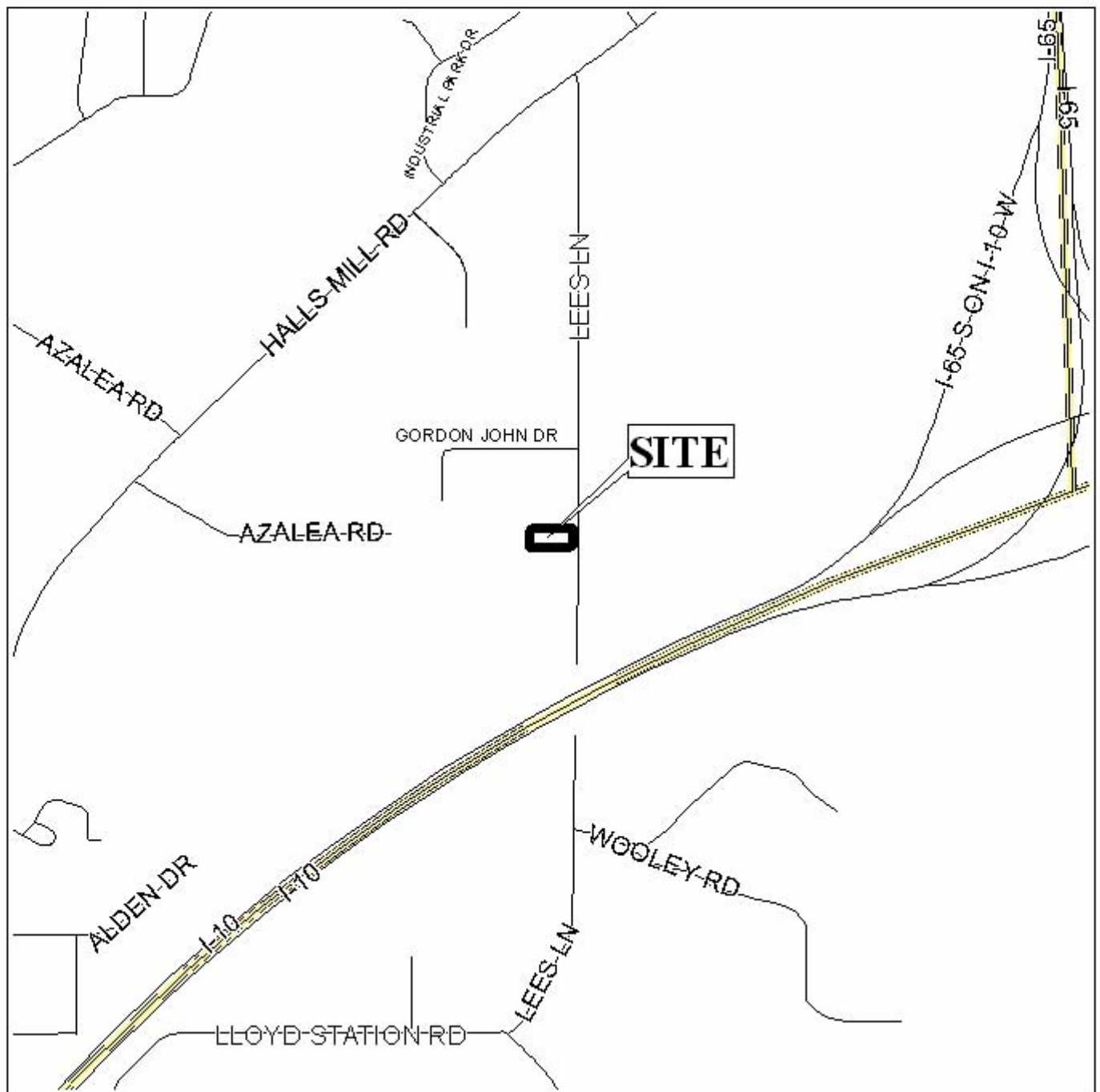
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. Any hardship imposed in this instance would be considered an economic and/or self-imposed hardship. It is simply the applicant's desire to be allowed to back truck traffic into an off-street loading facility from the public right-of-way.

**RECOMMENDATION 5407****Date: February 5, 2007**

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

## LOCATOR MAP



APPLICATION NUMBER 5407 DATE February 5, 2007

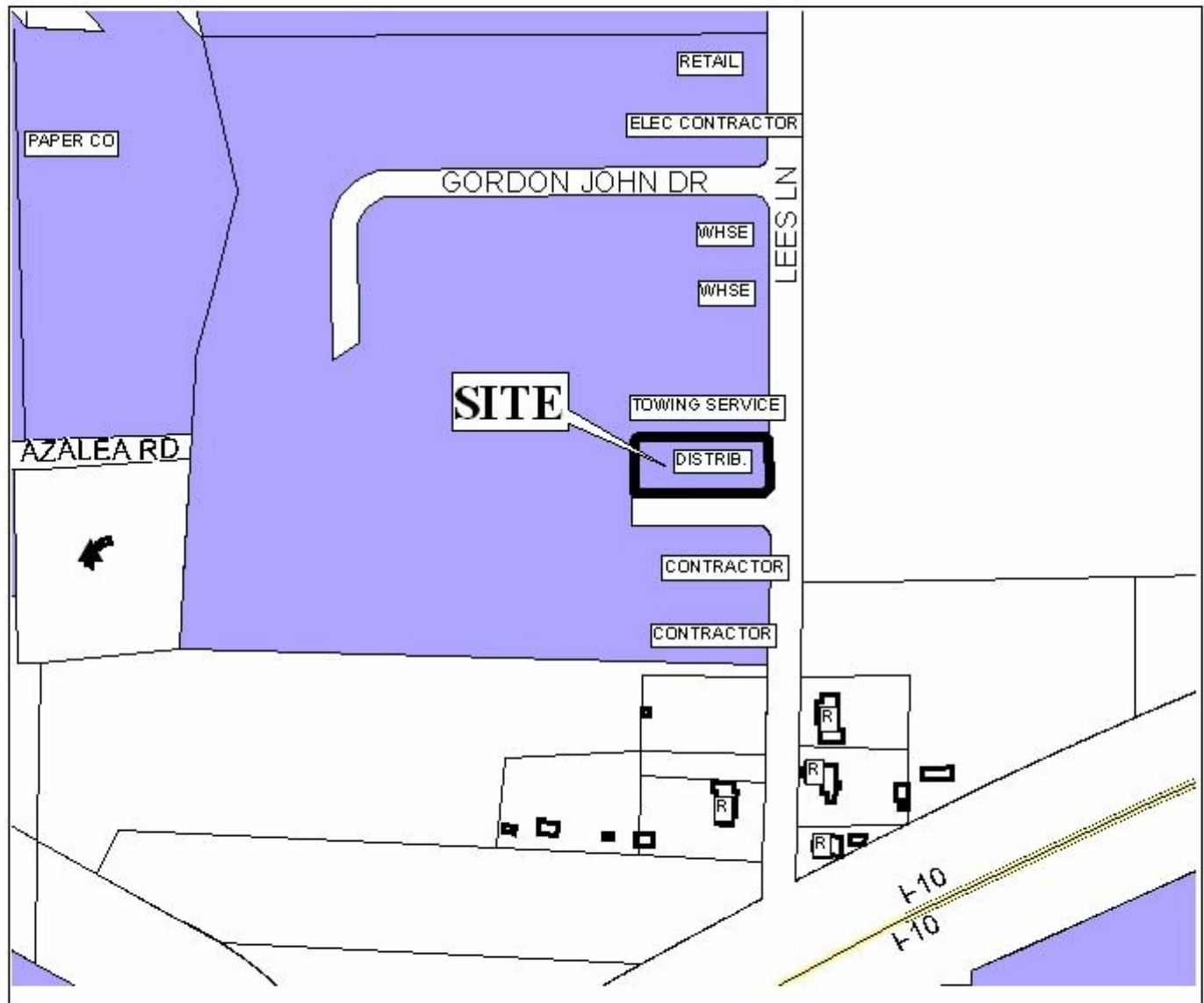
APPLICANT American Distribution Co.

REQUEST Access/Maneuvering Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

















There are warehouses and contractors to the north and south of the site.

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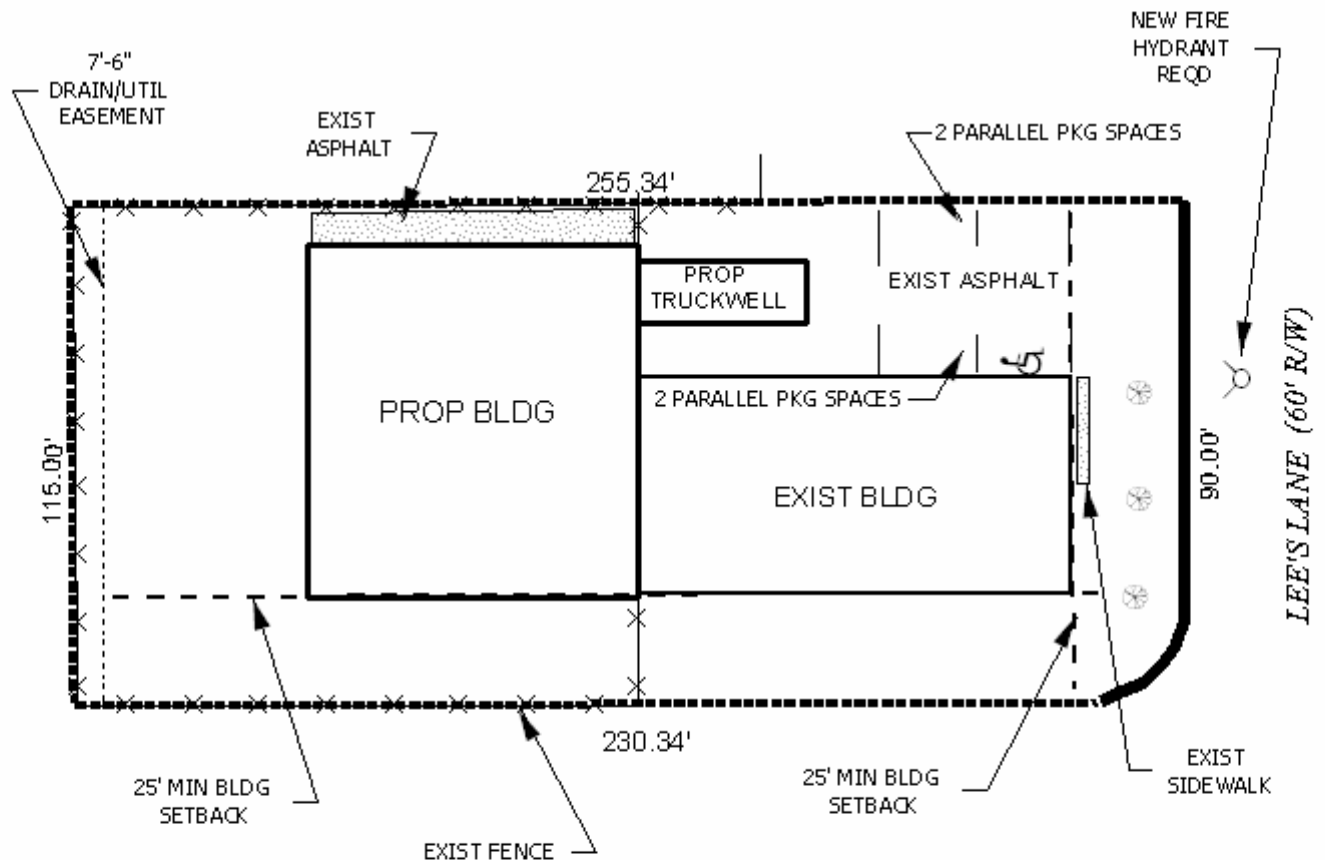
LEGEND

													
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 building setbacks, drainage and utility easment, parking, existing buildings and proposed buildings.

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