

APPLICATION NUMBER

**5420**

A REQUEST FOR

**USE VARIANCE TO ALLOW A SHELTER FOR WOMEN  
AND CHILDREN IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE  
REQUIRES A MINIMUM R-3, MULTI-FAMILY  
RESIDENTIAL DISTRICT FOR A SHELTER FOR  
WOMEN AND CHILDREN**

LOCATED AT

**2325 BOYKIN BOULEVARD**

(South side of Boykin Boulevard, 200'± East of Alba Club Road)

APPLICANT/ AGENT

**BEN CUMMINGS**

OWNER

**THE SALVATION ARMY**

**BOARD OF ZONING ADJUSTMENT**

JUNE 2007

The applicant is requesting a Use Variance to allow a shelter for women and children in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum R-3, Multi-Family Residential District for a shelter for women and children.

The subject site was used for many years as the Mulherin Custodial Home, a home for physically and mentally challenged children. The Salvation Army purchased the property in 1992 and began using it as a shelter for women and children. In August, 2005, Hurricane Katrina damaged all the buildings and the facility has been closed since then. The Salvation Army proposes to remove all the existing structures on the site and build a single structure to once again operate as a shelter for women and children. The facility is proposed to accommodate twenty beds. The applicant states that the structure would be approximately 10,000 square feet, residential in appearance, and would be a 24-hour-a-day, seven -day-a-week operation.

The previous uses would be considered legal nonconforming, and the proposed use would be the same as the most recent, but would be an expansion of that use in that the total building square footage would increase from approximately 7,200 square feet to approximately 10,900 square feet, including porches. Portions of structures along the North property line do not meet required side yard setbacks, and a storage shed on the South property line encroaches onto adjacent residential property. Expansions of legal nonconforming uses are not allowed. Also, due to time constraints, plans could not be approved by the Salvation Army and construction begun prior to expiration of the nonconforming status, hence this application.

As proposed, the use would be a slightly-increased resumption of the previous use. The proposed site plan submitted indicates the portion of the overall site to be developed would be brought into compliance with the building setback, parking, landscaping, and tree planting requirements of the Ordinance. Much of the site is heavily wooded and is proposed to remain that way.

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.

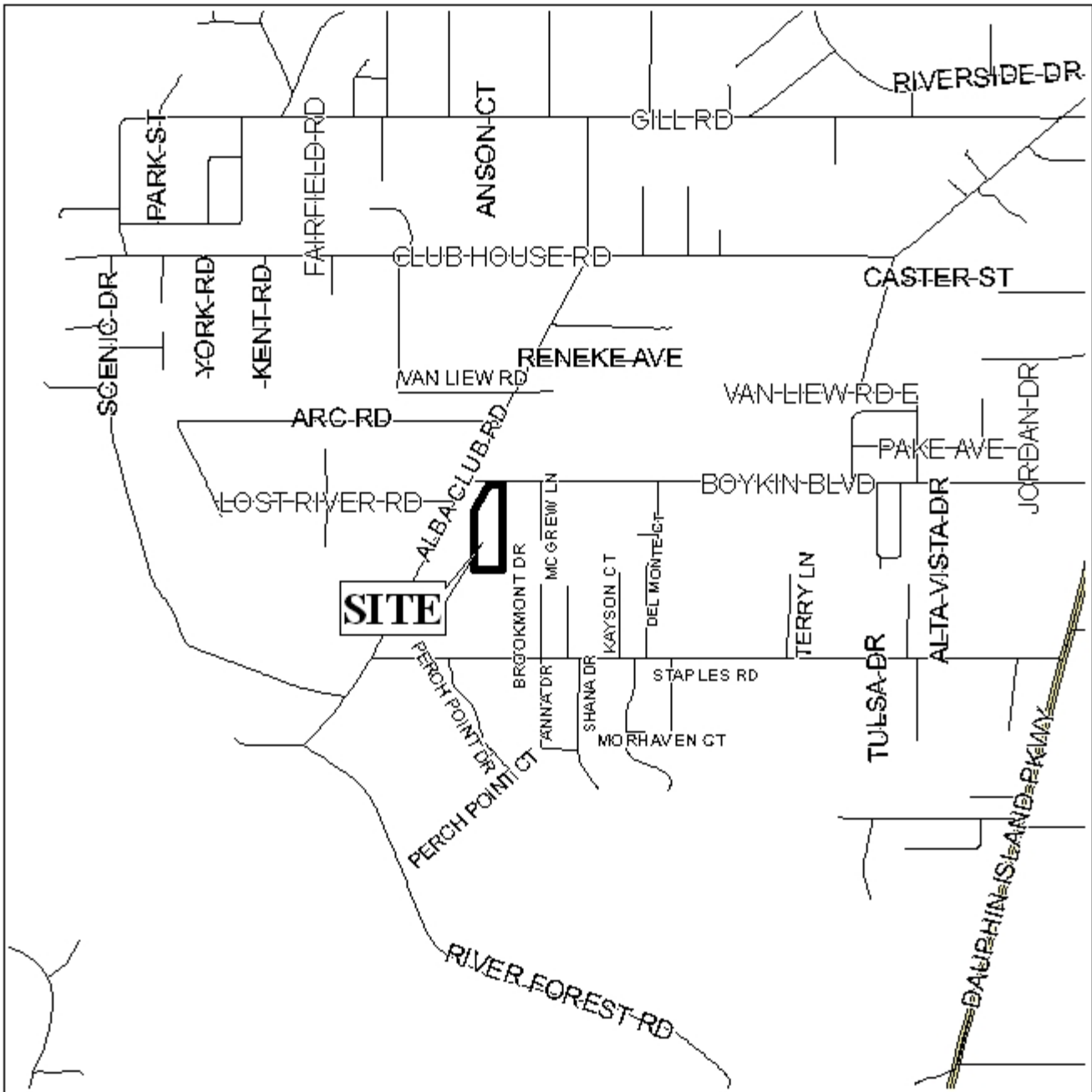
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The proposed use would not appear to have any appreciable impact on the surrounding neighborhood beyond the previous operation and the Board should consider approving this application, with conditions.

**RECOMMENDATION 5420****Date: June 4, 2007**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) full compliance with the landscaping and tree planting requirements of the Ordinance; (2) the provision of a buffer where the developed portion of the site adjoins residential property; and (3) full compliance with all municipal codes and ordinances.

## LOCATOR MAP



APPLICATION NUMBER 5420 DATE June 4, 2077

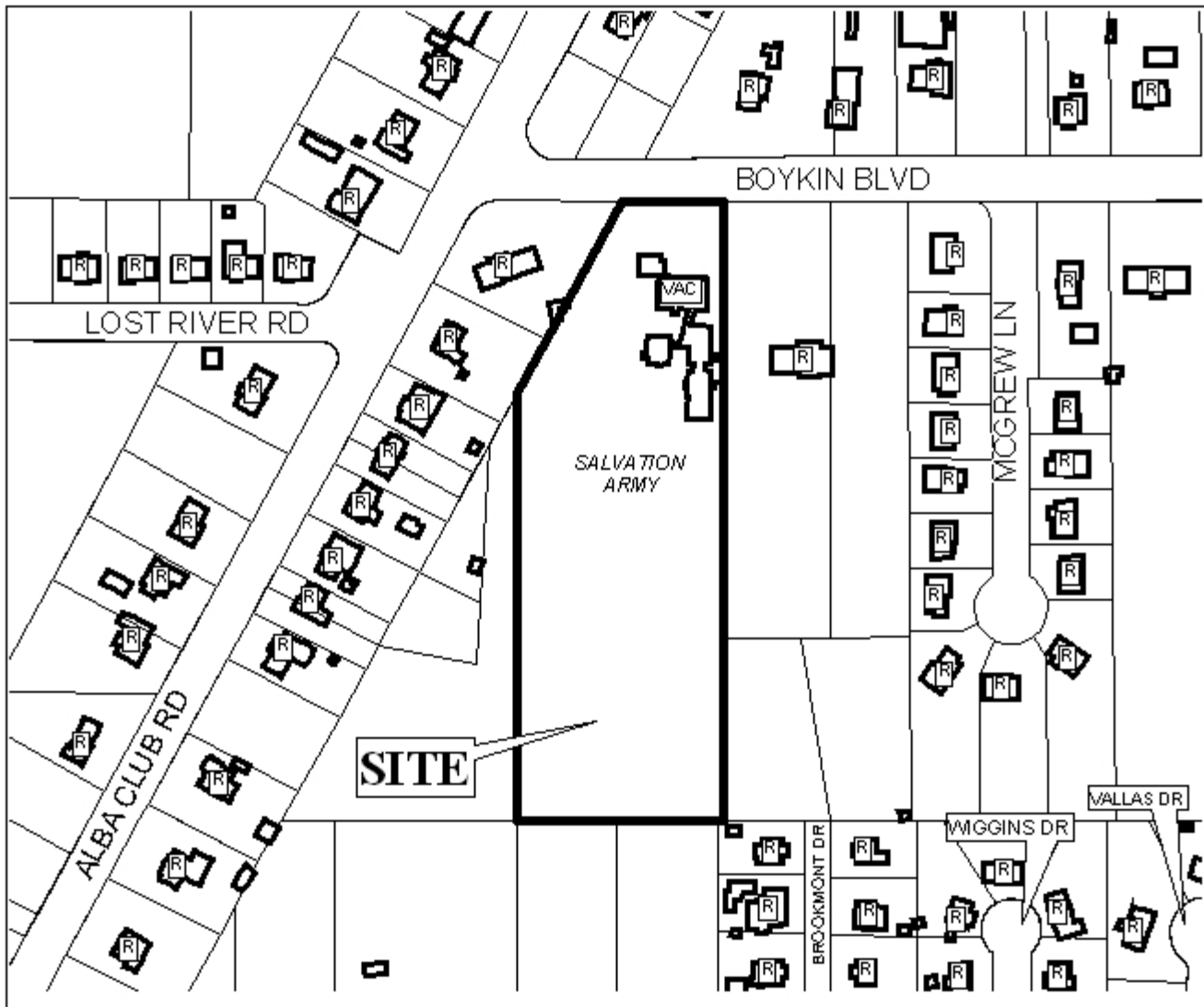
APPLICANT Ben Cummings

REQUEST Use Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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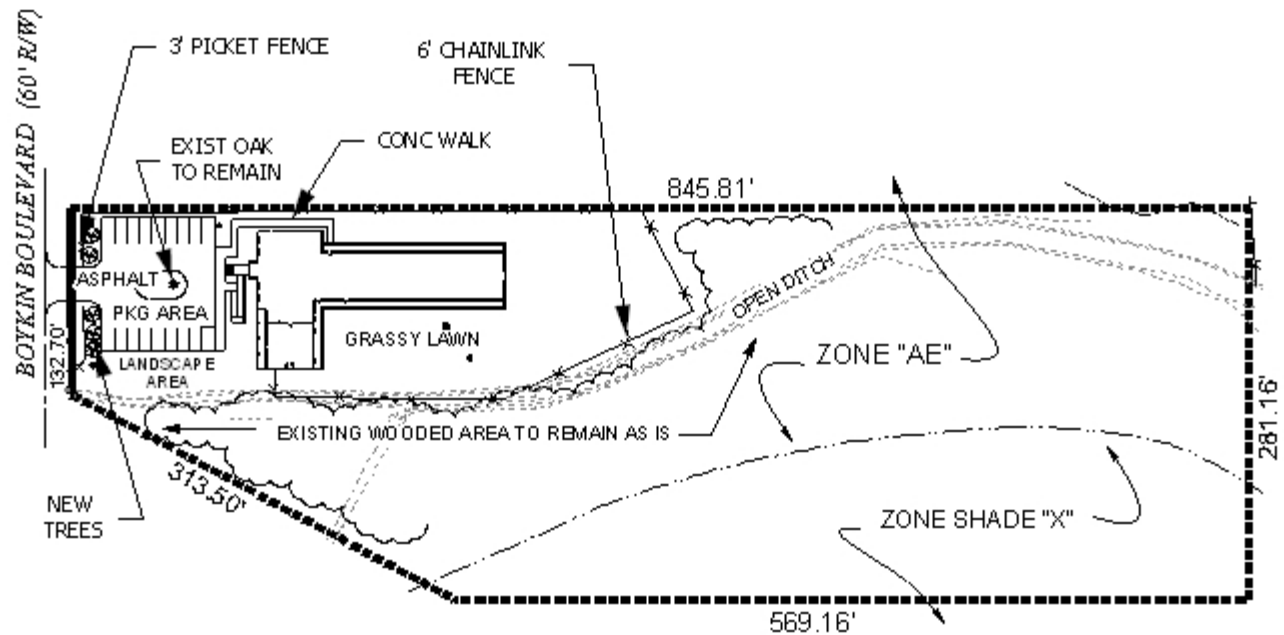
REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-4	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 the proposed building, parking, fence, landscaping, and existing wooded area and floodzone.

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