

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 7, 2011****CASE NUMBER**

5718

APPLICANT NAME

Joe Mason

LOCATION1412 & 1416 Wolf Ridge Road
(East side of Wolf Ridge Road, 200' ± North of Moffett Road).**VARIANCE REQUEST****FRONT LANDSCAPING AREA:** Allow 2,435 square feet of front landscaping area to be provided for a 94,510 square-foot lot.**ZONING ORDINANCE
REQUIREMENT****FRONT LANDSCAPING AREA:** 60% of the 12% total landscaping area must be provided between the street line and the building wall facing the street; for a 94,510 square-foot lot, 6,804 square feet of front landscaping area would be required.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

2.17 Acres ±

**TRAFFIC ENGINEERING
COMMENTS**

None received.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting a Front Landscaping Variance to allow 2,435 square feet of front landscaping areas on a 94,510 square foot lot; the Zoning Ordinance requires 6,804 square feet of front landscaping area for a lot 94,510 square feet in B-3, Community Business District.

The applicant wishes to construct an automobile dealership at this site. The site was subdivided and rezoned in April, 2011. As a condition of approval, right-of-way dedication was required. The applicant states that the required dedications and the front landscaping requirements are hardships on the site due to the proposed use as an automobile dealership. The applicant also states that the lot is quite large (94,510 square feet) and that the disturbed area for the lot is only

a small fraction of the total lot area (25,281 square feet). The applicant is requesting relief from a portion of the front landscaping requirements.

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.

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.

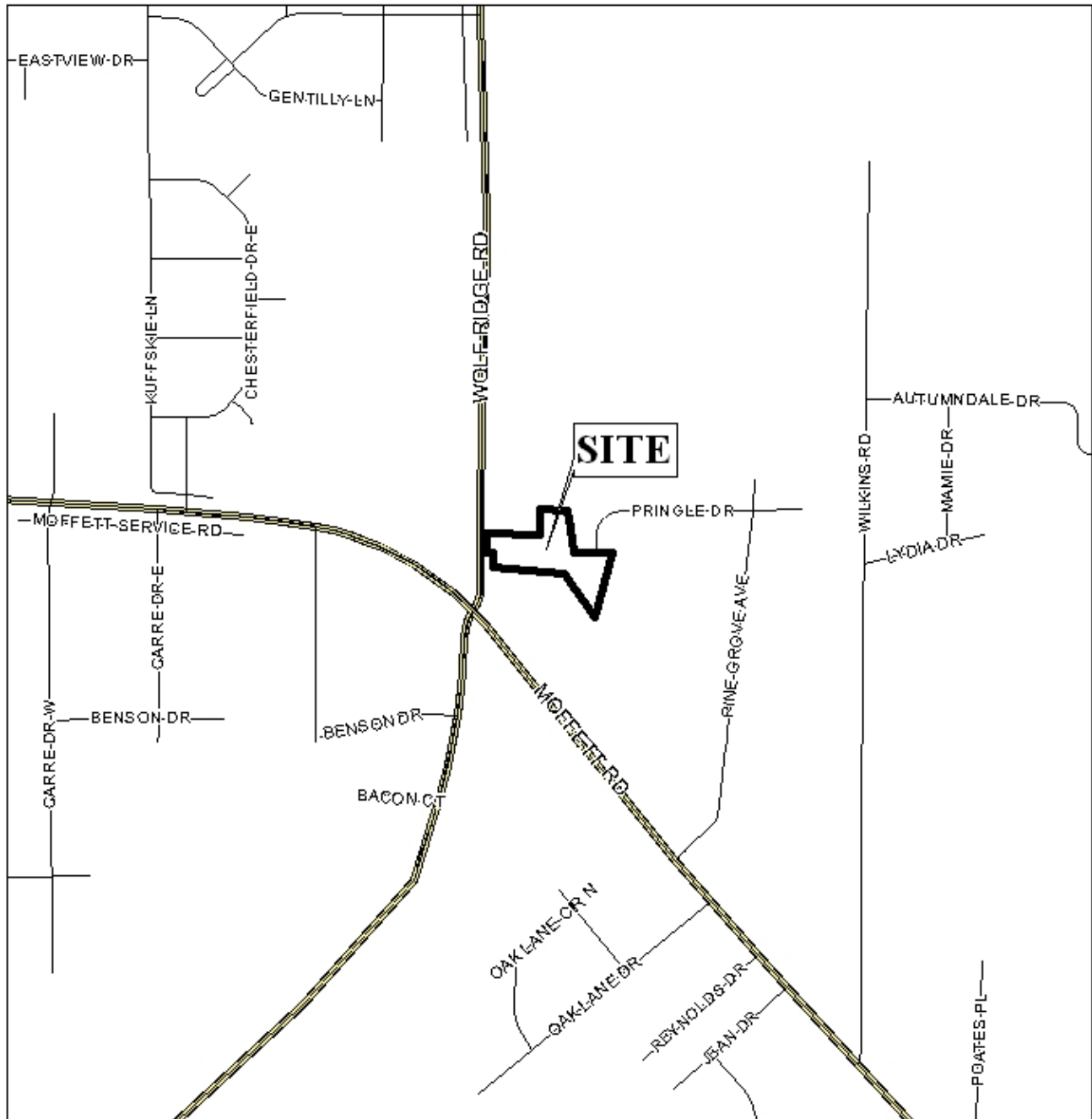
The Board has, in the past, granted relief of landscaping requirements in situations where only a portion of a large lot is going to be disturbed. Such is the case with the subject property. Calculating the required landscaping for the 25,281 square feet of disturbed area only, the required front landscaping is 1,820 square feet, less than the 2,435 square feet provided. Additionally, 69,229 square feet, more than 1.5 acres, will be undisturbed.

If the variance is granted, there should be some stipulations regarding other portions of the landscaping and tree planning requirements of the Zoning Ordinance. Trees counted for credits should be limited to those trees in the disturbed area of the site and any expansion of the disturbed area of the site should require an additional review by the Board.

RECOMMENDATION Based upon the preceding, the application is recommended for approval subject to the following conditions:

- 1) all existing trees counted for credit must be within the limits of the disturbed area;
- 2) any expansion of the disturbed/improved area on the site will require a new variance application; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR



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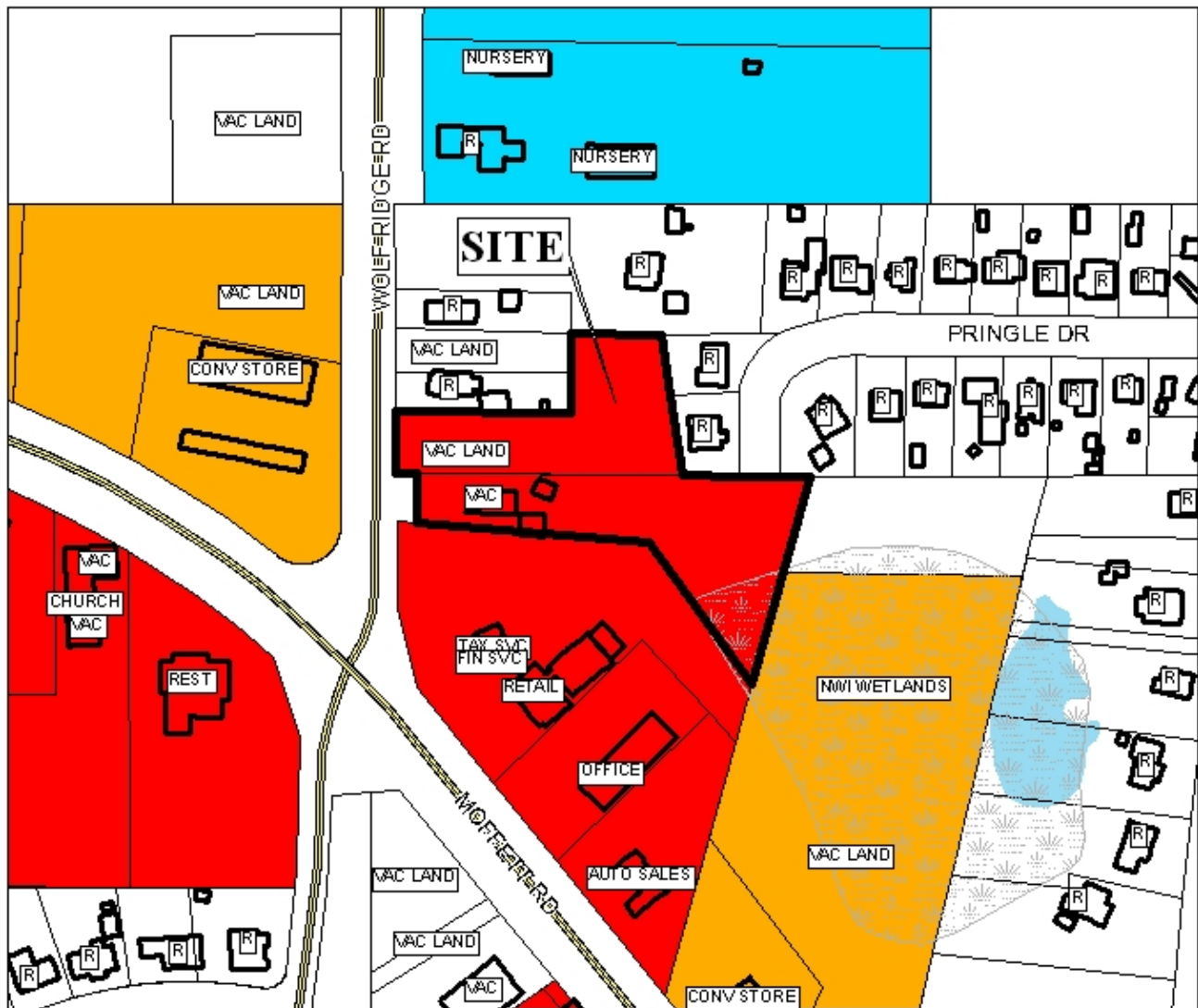
APPLICANT Joe Mason

REQUEST Front Landscaping Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

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REQUEST Front Landscaping Variance

LEGEND NTS

**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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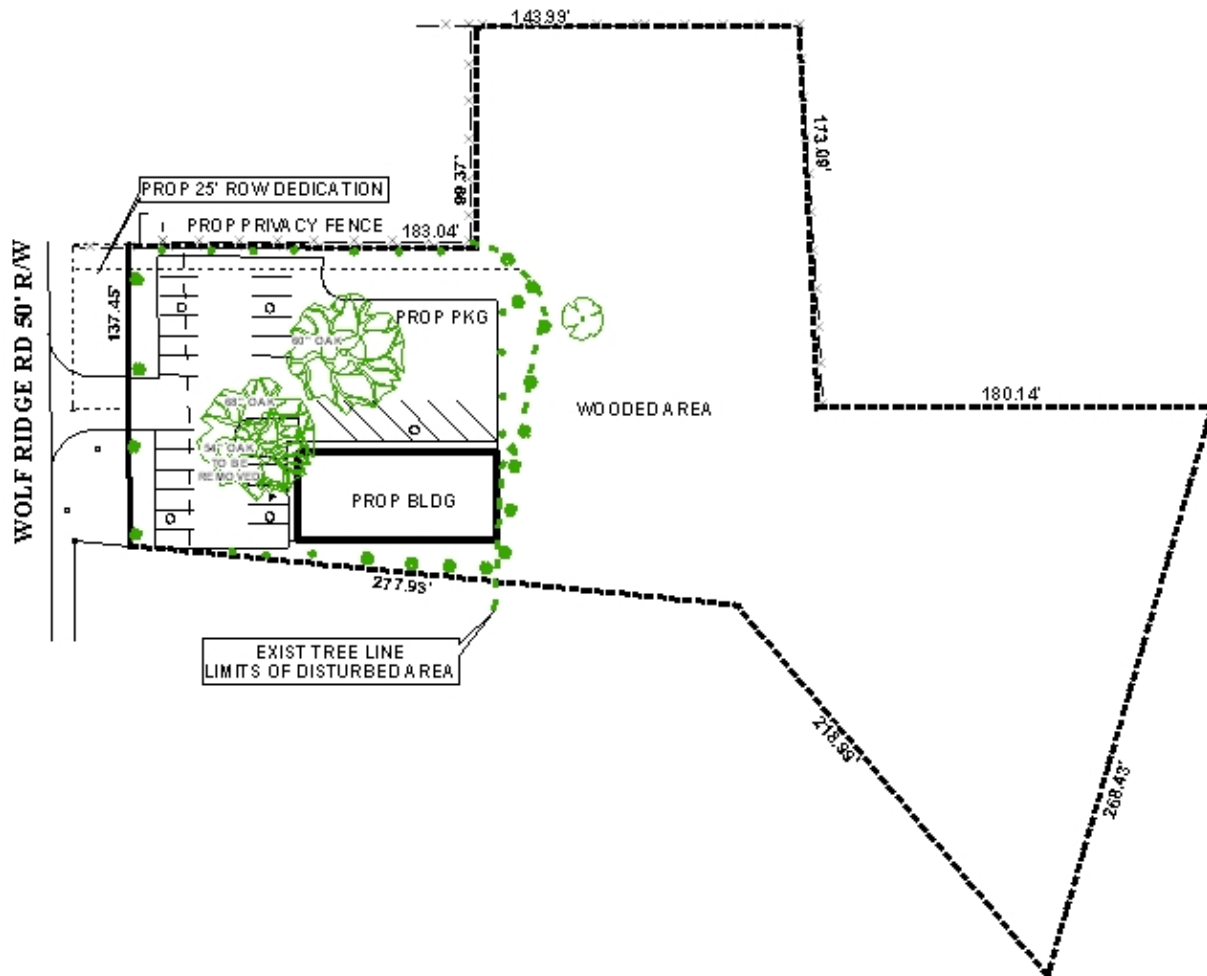
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NTS

SITE PLAN



The site plan illustrates the proposed improvements.

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