

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 7, 2013****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

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

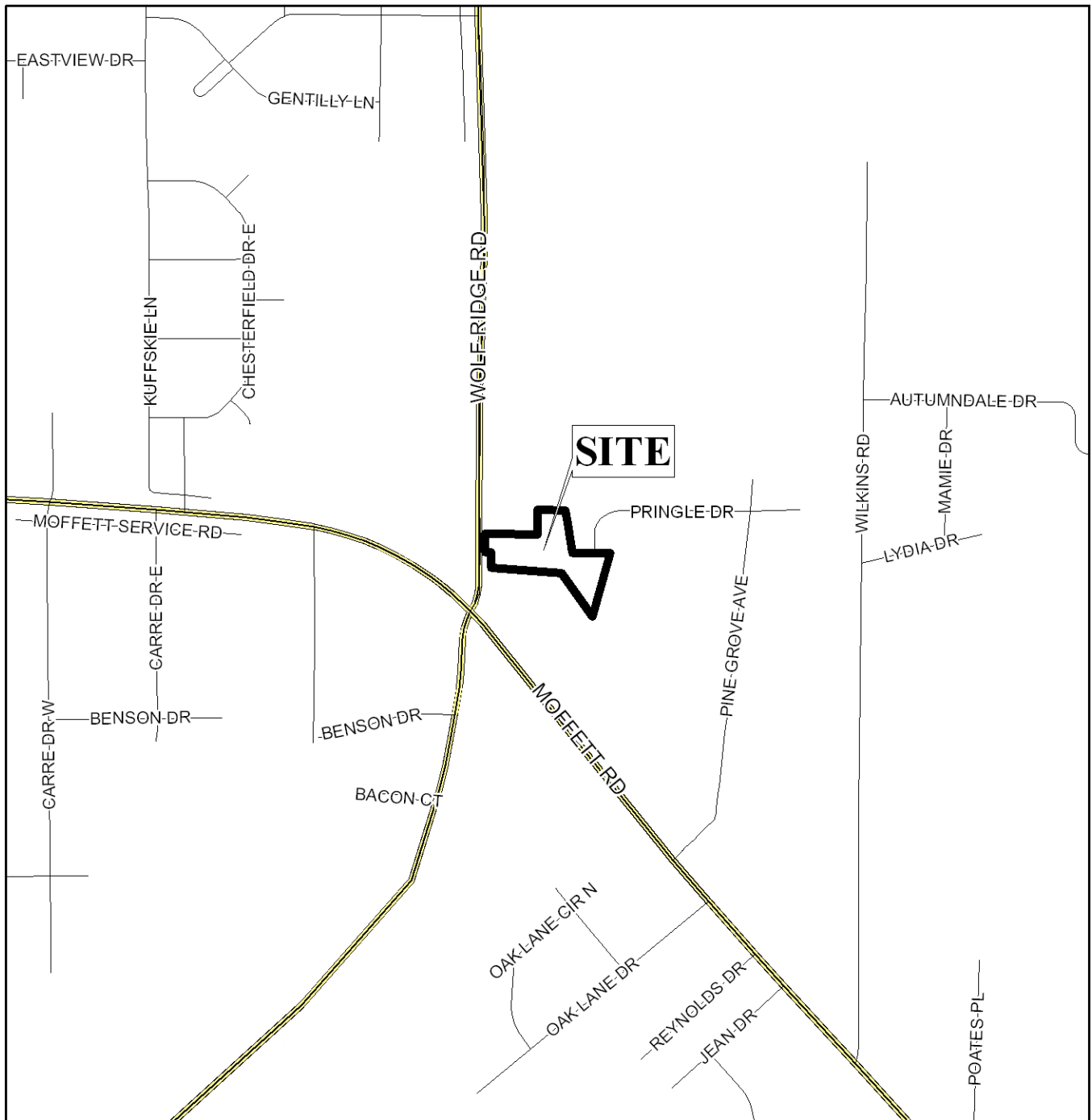
The applicant is requesting an extension of approval for a Front Landscaping Area Variance to allow 2,435 square feet of front landscaping areas on a 94,510 square foot lot; the Zoning Ordinance requires 6,804 square feet of front landscaping area for a lot 94,510 square feet in a B-3, Community Business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

The site was recommended for rezoning from B-2, Neighborhood Business, to B-3, by the Planning Commission in April, 2011, and approved by the City Council in June, 2011. A condition of that rezoning is that the site plan be revised to indicate all required landscaping area and tree planting as being on the site, outside of the right-of-way or any required dedication area. The applicant also submitted Voluntary Conditions and Use Restrictions prohibiting the use of the property for any B-3 use, except those uses allowed in B-2 districts and automobile and truck sales and service. A one-lot subdivision was approved at the June 7, 2012 Planning Commission meeting, but the Final Plat has not been signed or recorded.

Since only a portion of the site is proposed to be developed, the applicant was granted the subject variance on November 7, 2011; with a six month extension granted at the Board of Zoning Adjustment's June 4, 2012 meeting. The applicant states that a building permit for such development will not be able to be obtained prior to expiration of the variance, hence this extension request. The applicant obtained a building permit in October 2012 for repairs to an existing structure on the site, which may indicate that the applicant does not plan to develop the site as proposed. Extensions for variance approvals are not uncommon for appropriate reasons, and further time to complete the subdivision process and obtain permits would be considered an appropriate request. However, as variance approvals are good for a six-month period, such is also the case for extensions. If an extension is granted, it should be noted that this will be the last extension for this property.

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

LOCATOR



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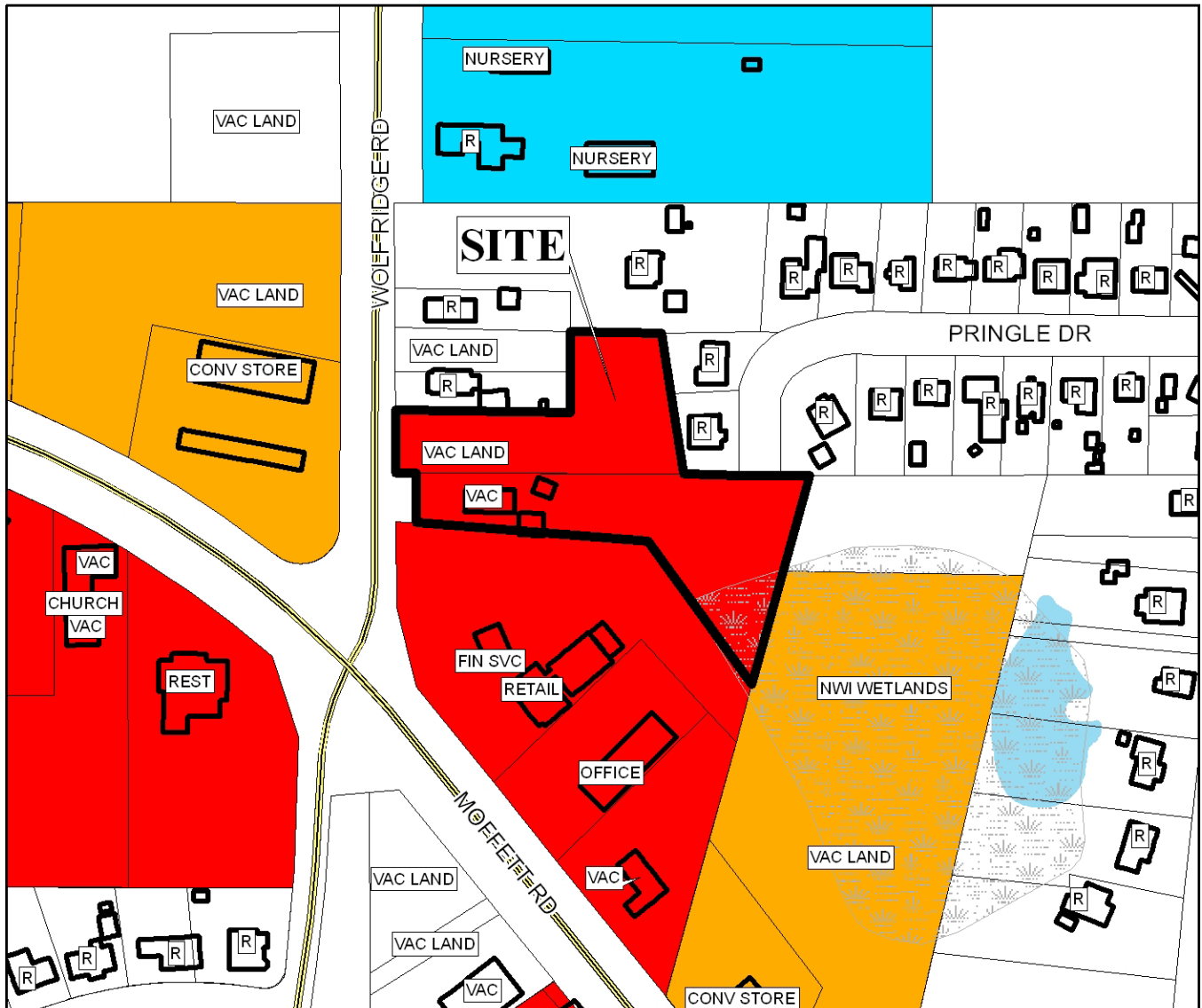
APPLICANT Joe Mason

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

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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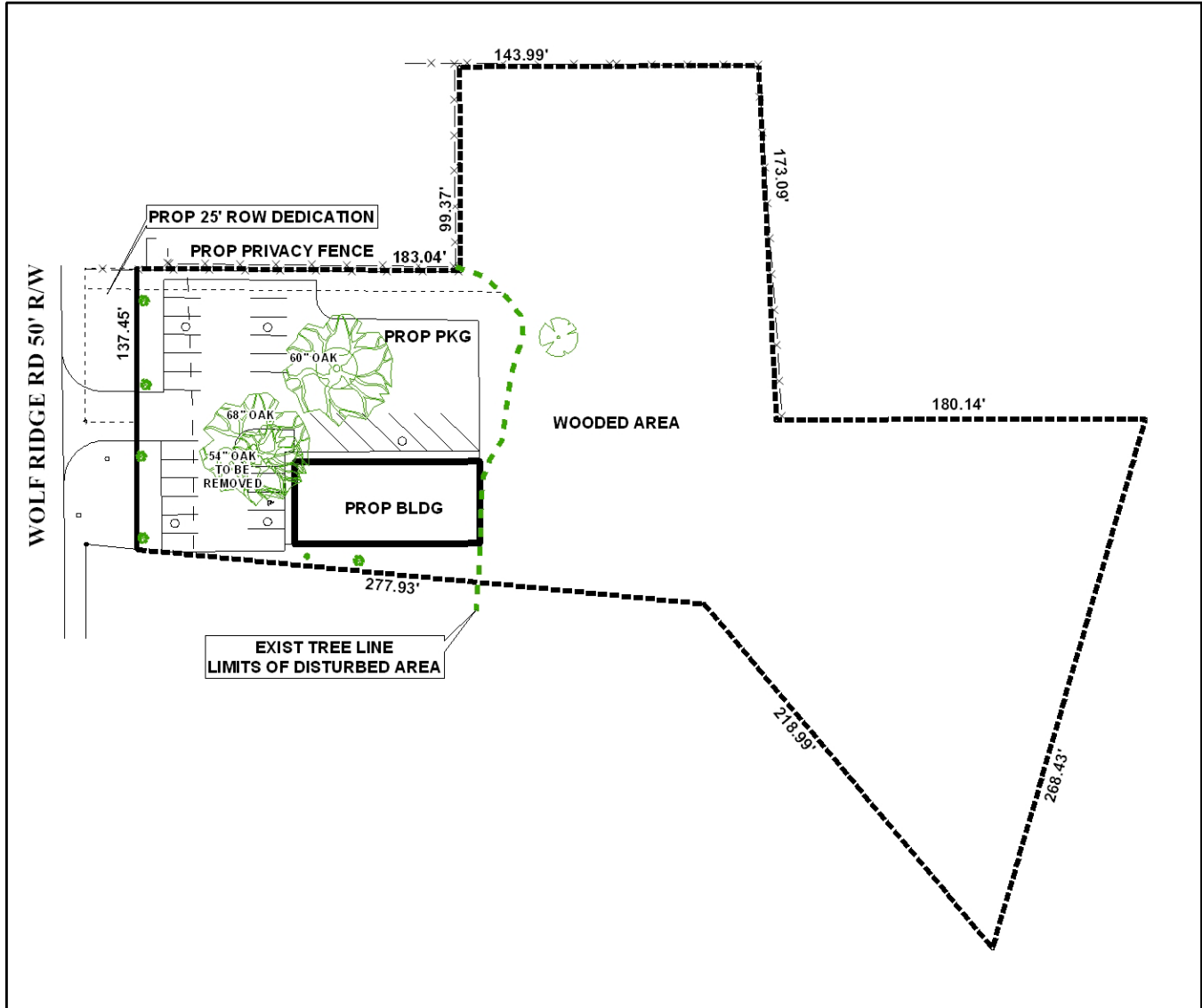
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NTS

SITE PLAN



The site plan illustrates the proposed improvements.

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NTS