

APPLICATION NUMBER

**5160**

A REQUEST FOR

**USE VARIANCE TO ALLOW THE CONSTRUCTION OF  
THREE 200' X 90' FLOAT BARNS IN A B-3, COMMUNITY  
BUSINESS DISTRICT AND A R-2, TWO-FAMILY  
RESIDENTIAL DISTRICT; FLOAT BARNS ARE  
ALLOWED WITH PLANNING APPROVAL IN A B-4,  
GENERAL BUSINESS DISTRICT AND ALLOWED BY  
RIGHT IN AN I-1, LIGHT INDUSTRIAL DISTRICT**

LOCATED AT

(Area bounded on the West by South Washington Avenue, on the South by Kentucky Street, on the East by South Scott Street, and the North by Tennessee Street [unopened] and Illinois Central Gulf Railroad right-of-way)

OWNER/APPLICANT

**MALBIS REALTY COMPANY, INC.**

**BOARD OF ZONING ADJUSTMENT**

FEBRUARY 2003

The applicant is requesting a Use Variance to allow the construction of three 200' x 90' float barns in a B-3, community Business District and a R-2, Two-Family Residential District; float barns are allowed with Planning Approval in a B-4, General Business District and allowed by right in an I-1, Light Industrial District.

The applicant states that the property is currently undeveloped and the owners are proposing three pre-engineered steel buildings. The applicant states the purpose of the buildings will be for storage of several Mardi Gras floats. The applicant states the parking lot and access will be located in the center of the development. The applicant also states there will be no windows or other openings facing the streets, except a large 24' x 14' roll-up door at the end of the buildings.

The applicant is requesting that the property be allowed a Light Industrial use, and the approval of this request would essentially create a new I-1, Light Industrial District. Moreover, it should be noted that Use Variances may alter the character of a neighborhood forever beginning a domino effect, as adjacent properties seek similar requests due to the changing character of the area.

The Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 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 construct several float barns in a B-3, Community Business District. In addition, the granting of the Use Variance could set an undesirable precedent and would encourage future applications of a similar nature in the surrounding area.

**RECOMMENDATION 5160****Date: February 3, 2003**

Based on the preceding, it is recommended that this application be denied.

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the North of the site are miscellaneous warehouses, auto body repair, and two family residential dwellings; to the West are churches and a single family residential dwelling. Located to the East and South of the site are single family residential dwellings.

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APPLICANT Malbis Realty Company, Incorporated

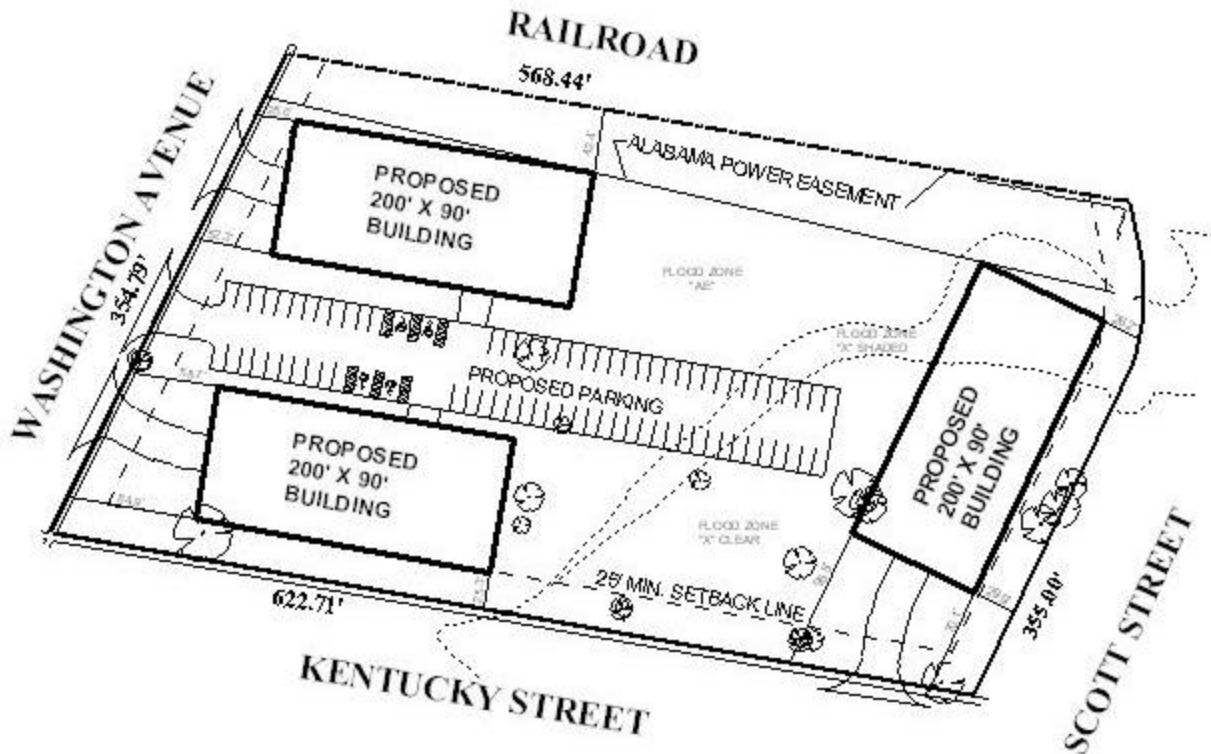
REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1

NTS

## SITE PLAN



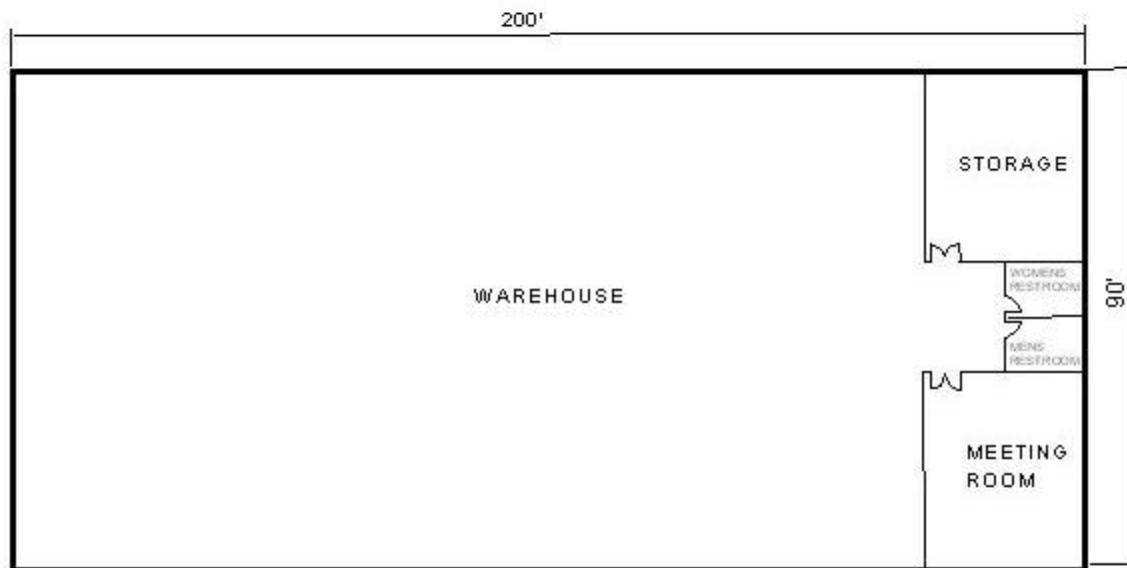
Area bounded on the West by South Washington Avenue, on the South by Kentucky Street, on the East by South Scott Street, and the North by Tennessee Street (unopen) and Illinois Central Gulf Railroad right-of-way. The plan illustrates the proposed buildings, driveways, parking, and landscape.

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 USE/REQUEST Use Variance



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## TYPICAL FLOOR PLAN



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USE/REQUEST Use Variance

