

APPLICATION NUMBER

5413

A REQUEST FOR

**USE AND ACCESS/MANEUVERING AREA VARIANCES
TO ALLOW CEMENT GARDEN ORNAMENTS
MANUFACTURING IN A B-3, COMMUNITY BUSINESS
DISTRICT, WITH 20'-WIDE VEHICLE
ACCESS/MANEUVERING AREA; THE ZONING
ORDINANCE REQUIRES A MINIMUM I-2, HEAVY
INDUSTRY DISTRICT FOR CONCRETE PRODUCTS
MANUFACTURE, AND 24'-WIDE VEHICLE
ACCESS/MANEUVERING AREA.**

LOCATED AT

North side of Halls Mill Road, 620'± West of Victory Drive

APPLICANT/AGENT

BRUCE H. BRITT

OWNER

BRUCE H. BRITT & ELIZABETH H. BRITT

BOARD OF ZONING ADJUSTMENT

APRIL 2007

The applicant is requesting Use and Access/Maneuvering Area Variances to allow cement garden ornaments manufacturing in a B-3, Community Business District, with 20'-wide vehicle access/maneuvering area; the Zoning Ordinance requires a minimum I-2, Heavy Industry District for concrete products manufacture, and 24'-wide vehicle access/maneuvering area.

The subject site was in commercial use until approximately the mid 1970's when the facilities burned and became vacant. The applicant relocated a vacant building from Brookley Field to the site shortly afterward but never redeveloped the site and now desires to have it utilized commercially. A prospective buyer proposes to manufacture cement garden ornaments using a portable cement mixer such as a brick mason's mortar mixer. Proposed days of operation will vary and one employee is planned. Proposed site improvements include a 24'-wide drive in the front yard with one front yard parking space. The drive would narrow to 20'-wide toward the rear yard with two parking spaces utilizing substandard access/maneuvering area. The parking ration would be compliant for the building size. The proposed manufacturing would be done outdoors and it is stated that no impact on surrounding properties should occur. Sales are planned to be retail on a small scale basis.

With regard to the use variance request, the Ordinance classifies concrete and concrete products manufacture as an I-2, Heavy Industry District use, but in the sense of the proposed use for the subject site, no heavy volumes of concrete are intended, and no heavy equipment is proposed to be used. Cast concrete yard ornaments are normally items capable of being carried by one or two persons and transported in the family car or pickup truck. The casting techniques involved, although outdoors, could more closely be associated with those of a ceramics shop with small kiln, the use of which is allowed by right in a B-3 district.

With regard to the access/maneuvering area variance request, the existing building was located on the site obviously without any site plan review or approval as no provision was made for required parking and access/maneuvering area. Although the Ordinance requires site compliance for initial commercial site development, the fact that the site is of an unusual size and shape, was once used commercially, and is surrounded by noncompliant commercial sites should be taken into consideration. The Board has been lenient in the past allowing compatible nonconforming uses on nonconforming sites with limited site compliance conditions consistent with surrounding sites.

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.

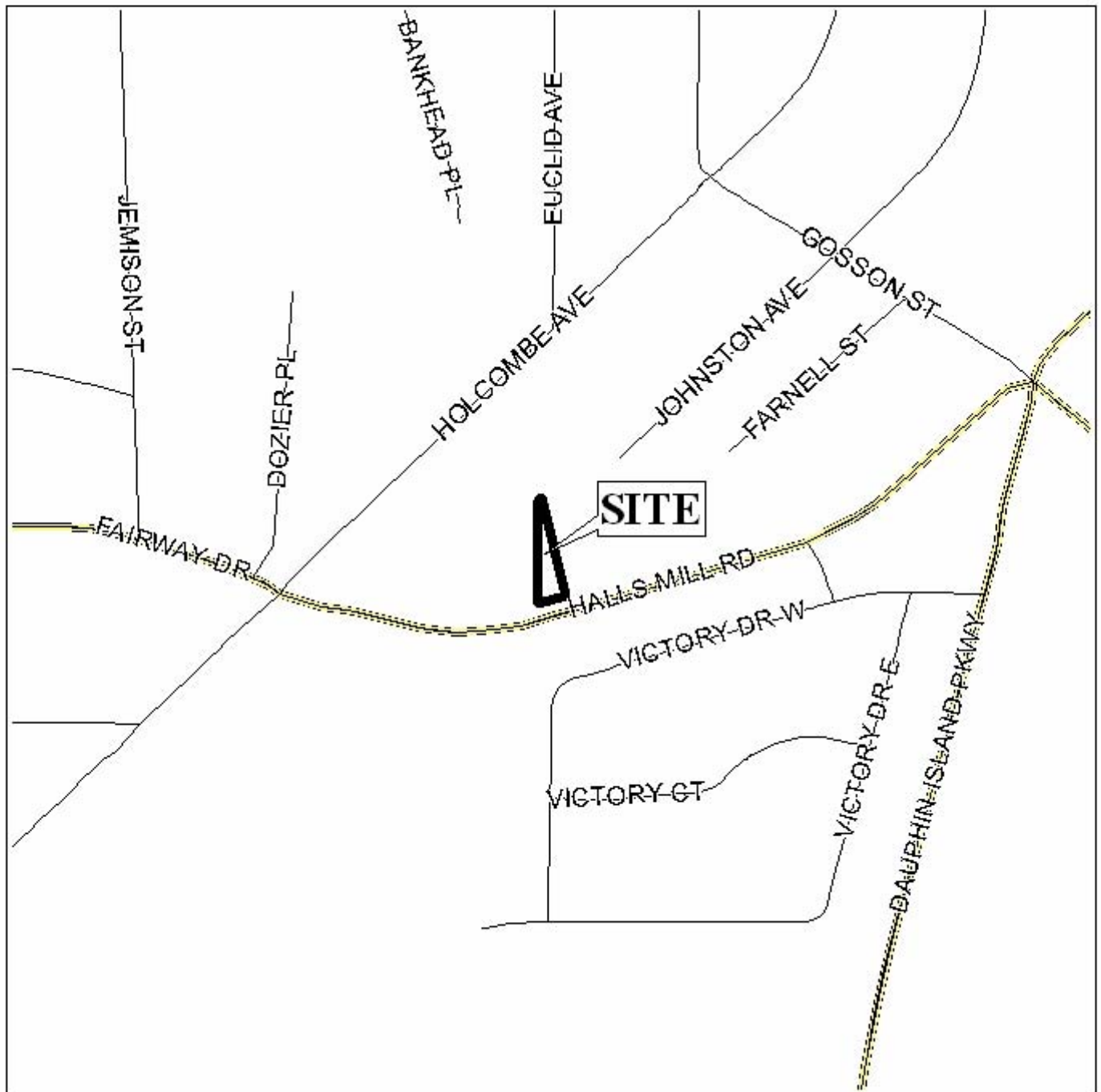
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant has demonstrated that the proposed use and site would be in character with surrounding sites and would not have a negative impact within the surrounding neighborhood. The Board should consider approving this variance with conditions.

RECOMMENDATION 5413**Date: April 2, 2007**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) the provision of frontage landscaping and tree plantings to be coordinated with Urban Forestry; (2) the reconfiguration of the two rear parking stalls to comply with all requirements of the Zoning Ordinance; and (3) the provision of a 6' wooden privacy fence around the rear casting and storage yard.

LOCATOR MAP



APPLICATION NUMBER 5413 DATE April 2, 2007

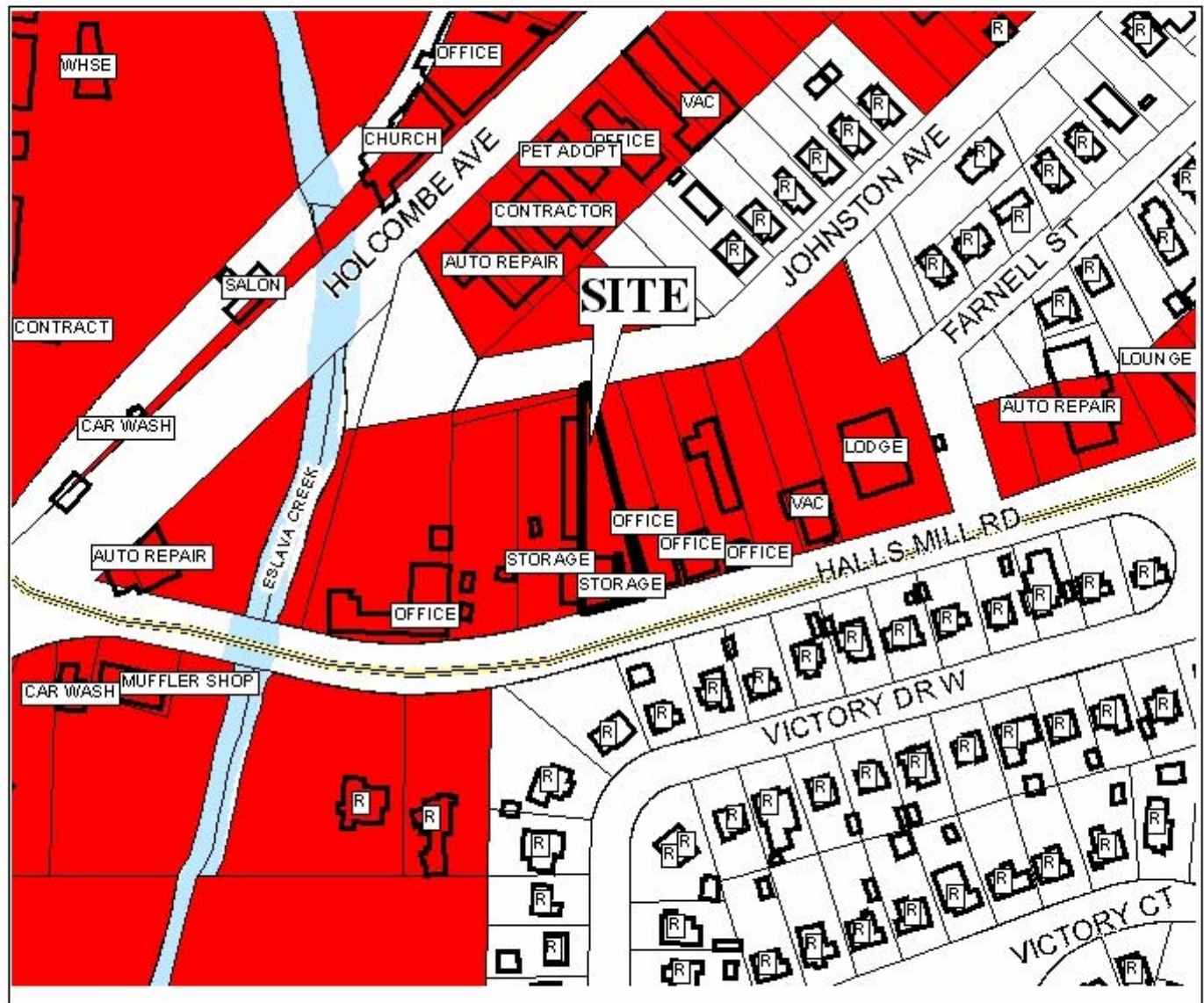
APPLICANT Bruce H. Britt

REQUEST Use and Access/Maneuvering Area Variances



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is an auto repair service, church and offices to the north, single family residential units to the northeast, an auto repair service to the east, and single family residential units to the south and west.

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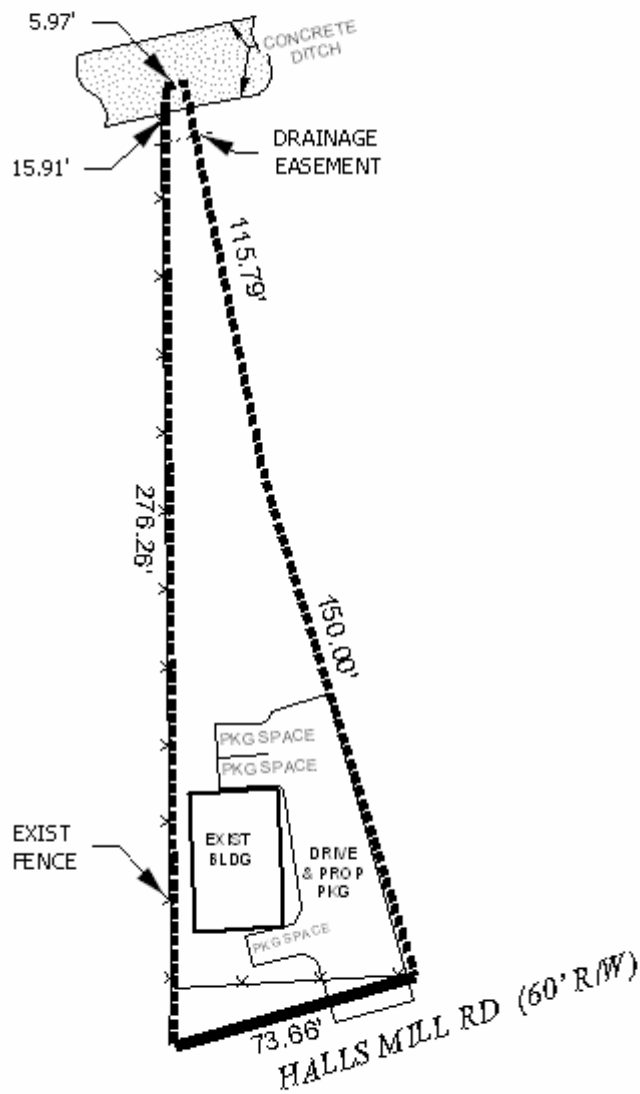
LEGEND

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 the existing building, fence, proposed parking, and drainage easement at property rear.

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