

APPLICATION NUMBER

**5530/5420**

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**

APRIL 2009

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 applicant submitted a similar application which was approved by the Board in June 2007, but no permits for the site were issued within the six months following the variance approval, and no extension of approval was requested. Hence, that variance expired. The buildings damaged by Hurricane Katrina in 2005 were demolished via permits in January 2008, but no further permits were sought until the recent submittals for constructing the proposed facility.

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. As previously mentioned, Hurricane Katrina damaged all the buildings and the facility has been closed since then. The Salvation Army now desires to begin construction of the single building proposed for the facility, which would 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 application was for the expansion of the legal nonconforming use of the site since the proposed facility would be larger than what was existing on the site. Since there has been no legal nonconforming use of the site for over two years, it has lost its right to be re-used in such a manner and the use allowed has reverted to single-family residential. However, 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.

As proposed, the use would be a slightly-increased resumption of the previous use. There were building setback encroachments associated with some of the previous structures on the site, but all setbacks are compliant for the proposed structure. The site plan submitted indicates the portion of the overall site to be developed would also be brought into compliance with the parking, and landscaping requirements of the Ordinance. Much of the site is heavily wooded and is proposed to remain that way and would serve as a natural buffer to adjoining residential use. However, Urban Forestry has determined that a buffer planting strip or privacy fence should be placed along the West side of the site within approximately the front 50' adjacent to the drainage ditch. The existing 6' wood privacy fence along the East side of the property within the area to be developed would suffice for buffering on that side. No frontage sidewalk is proposed on the site plan, but the applicant has submitted a sidewalk waiver application to be heard at the April 16<sup>th</sup> Planning Commission meeting.

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.

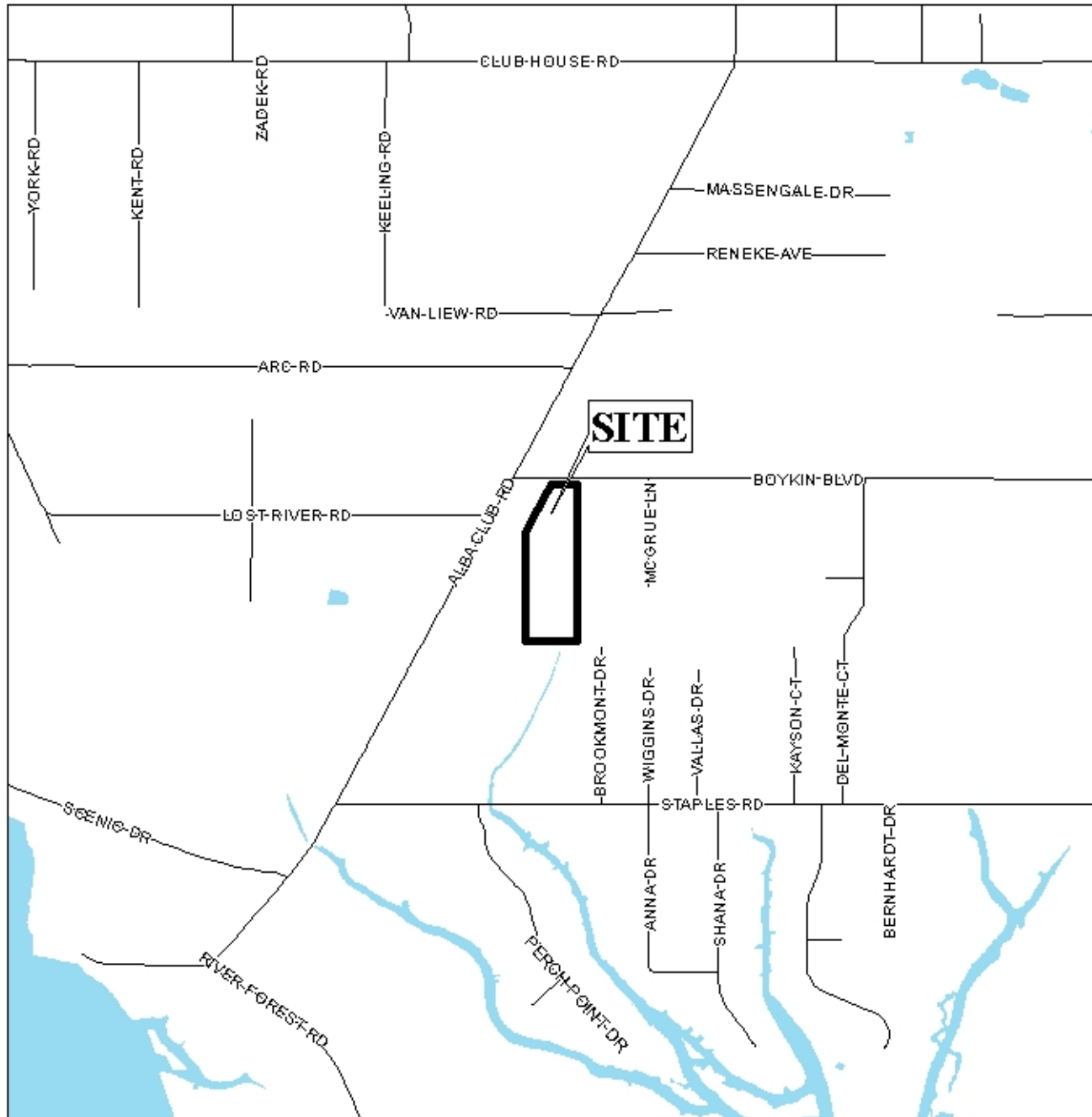
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 5530/5420****Date: April 6, 2009**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) compliance with the landscaping and tree planting requirements as indicated on the site plan, with the addition of a buffer planting strip or privacy fence within approximately the front 50' along the drainage ditch on the West side of the property, to be coordinated with Urban Forestry; (2) installation of a frontage sidewalk, or the approval of a sidewalk waiver application by the Planning Commission; and (3) full compliance with all municipal codes and ordinances.

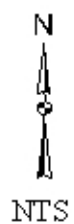
## LOCATOR MAP



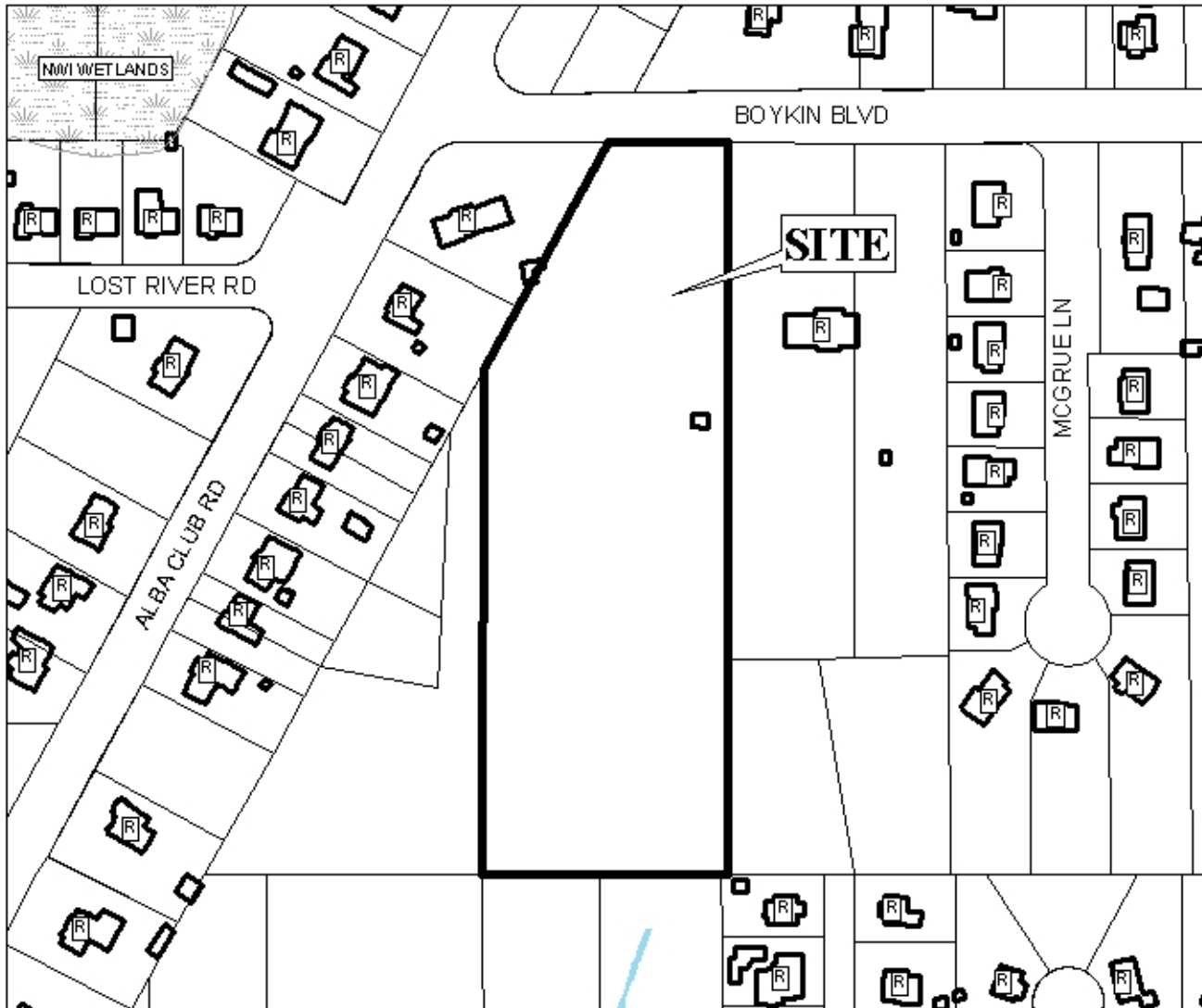
APPLICATION NUMBER 5530/5420 DATE April 6, 2009

APPLICANT Ben Cummings

REQUEST Use Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site plan is surrounded by miscellaneous land use.

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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



## BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

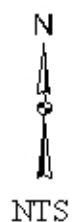


This site plan is surrounded by miscellaneous land use.

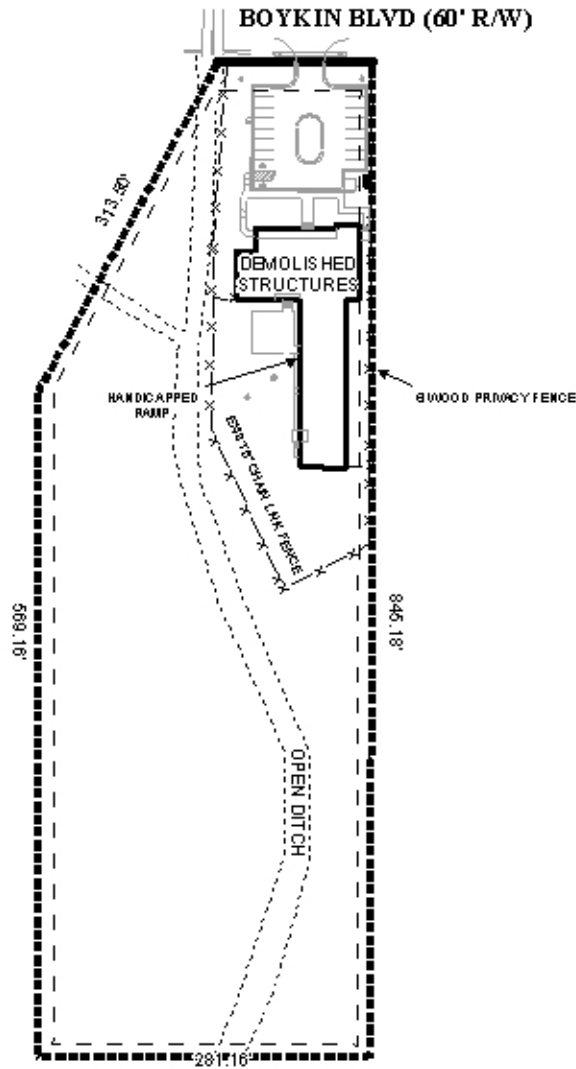
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# SITE PLAN



This site plan illustrates demolished structures and existing lot configuration.  
The land has been cleared of all structures.

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N  
  
 NTS