

APPLICATION NUMBER

**5627 / 3332**

A REQUEST FOR

**FRONTAGE LANDSCAPING AND  
ACCESS/MANEUVERING VARIANCES TO ALLOW 6,396  
SQUARE FEET OF TOTAL FRONTAGE LANDSCAPING  
AND TO ALLOW A PORTION OF THE FRONT PARKING  
ACCESS/MANEUVERING AREA TO BE LOCATED  
WITHIN A DEDICATED RIGHT-OF-WAY; THE ZONING  
ORDINANCE REQUIRES 10,858 SQUARE FEET OF  
TOTAL FRONTAGE LANDSCAPING, AND REQUIRES  
ALL PARKING ACCESS/MANEUVERING AREAS TO BE  
LOCATED ON-SITE.**

LOCATED AT

**1514 SOUTH BROAD STREET**

(West side of South Broad Street, 200' ± South of Sutton Street, extending to Lucille  
Street [unopened right-of-way])

APPLICANT

**VINCENT BOOTHE**

**BOARD OF ZONING ADJUSTMENT**

SEPTEMBER 2010

The applicant is requesting Frontage Landscaping and Access/Maneuvering Variances to allow 6,396 square feet of total frontage landscaping and to allow a portion of the front parking access/maneuvering area to be located within a dedicated right-of-way; the Zoning Ordinance requires 10,858 square feet of total frontage landscaping, and requires all parking access/maneuvering areas to be located on-site.

The site is currently developed with a vacant building. The applicant proposes to renovate a portion of the building, with appropriate site improvements, to allow the site to be used as office space for the Pardon and Parole Board. Some of the site improvements include new parking and access areas, and compliance with 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.

In this case, the location of the applicant's parking areas is the source of the non-compliance with the Zoning Ordinance. As proposed, the site would have two, two-way curb cuts to South Broad Street, a row of ten (10) angled parking spaces and a one-way accessway along the front of the site with the accessway continuing to intersect with another two-way accessway which connects to another parking area on the South side of the site containing 40 spaces. The angled parking and accessway limits the amount of frontage landscaping that can be provided. Further, the one-way accessway crosses the right-of-way line, thus causing the required accessway for egress from the parking area to be within the right-of-way, and thus, off-site. Essentially, both variance requests are due to the same issue.

It should be noted that the encroachment into the right-of-way is the result of a right-of-way dedication required by the Planning Commission as a condition of approval of the subdivision at the location. South Broad Street is a planned major street, and thus requires at least a 100-foot wide right-of-way. It should be noted that future development of the Brookley Complex may soon warrant the widening of South Broad Street, and may render the maneuvering area in the right-of-way unusable.

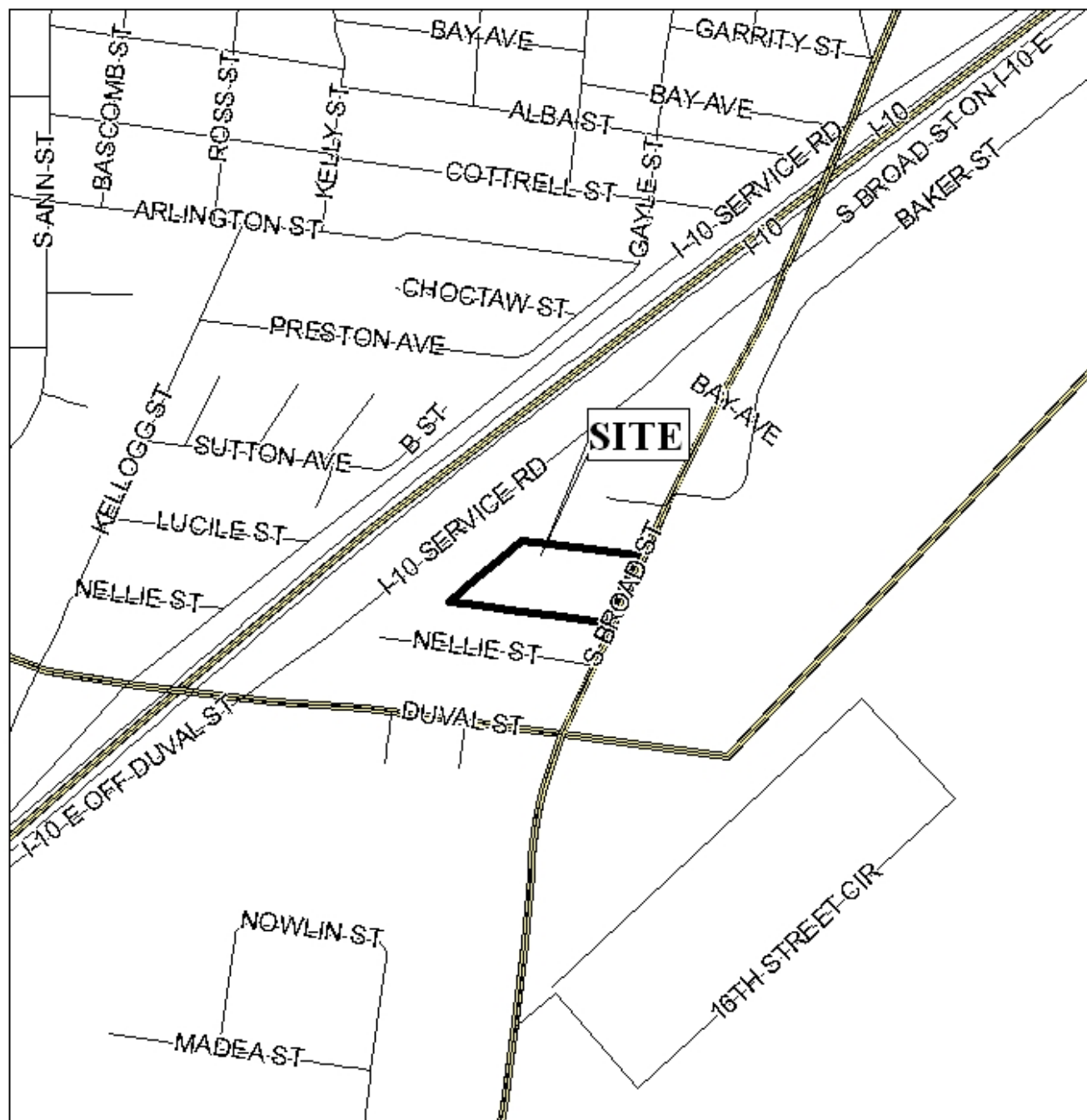
The applicant states that the basis for the hardship is that “the tenant requires...the patron parking be located in front and adjacent to the office area.” This is clearly a self-imposed hardship, and is not a basis for a variance to be granted. However, if this is considered by the Board, it should be noted that the office area inside the building would have no windows with which to directly see any of the patron parking. The only benefit that could reasonably be inferred from this tenant requirement would be surveillance of the parking area given the nature of the proposed operation. But, even this benefit is rendered moot as there are only four small windows proposed for the office space, and all four of these windows face South into the employee parking area, which, as proposed, meets the requirements of the ordinance. As such, there doesn’t seem to be any need for this “requirement” of the patron parking to be in front and adjacent to the office area, and the applicant has not provided any data or other information justifying that need.

Further, there is more than enough space on the North side of the building to locate the ten (10) patron parking spaces. This scenario would result in the elimination of accessway in the right-of-way, as each parking lot could function with an independent curb cut. It would also render the frontage landscaping area variance moot, as there would be adequate space for the landscaping area.

The applicant has failed to demonstrate that any hardship, other than one that is self-imposed, exists on the site, and, as such, this application should be denied.

The request for variance is recommended for denial.

## LOCATOR MAP



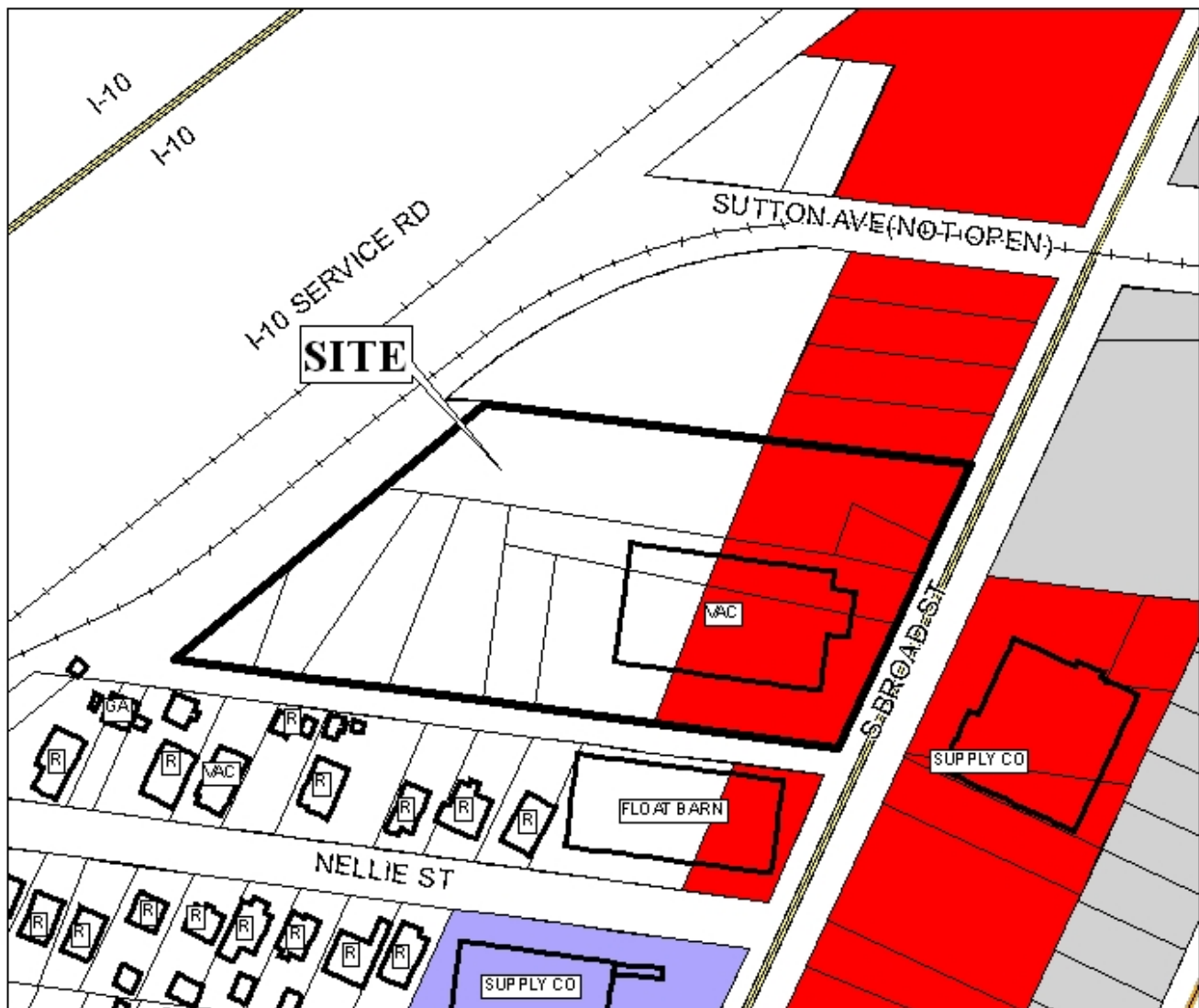
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single family residential units, commercial sites, and industrial sites are located to the south and east of the site.

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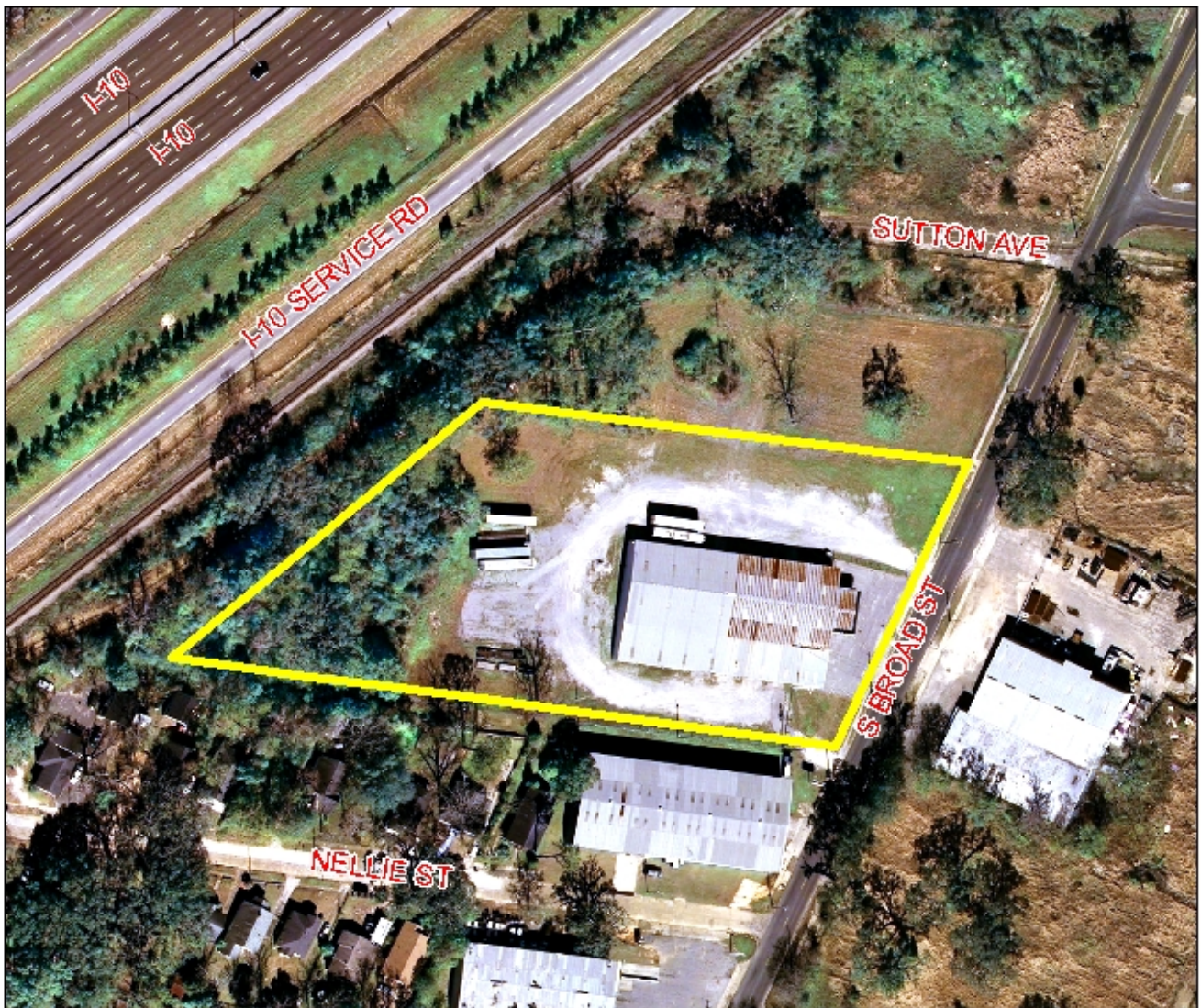
LEGEND

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	





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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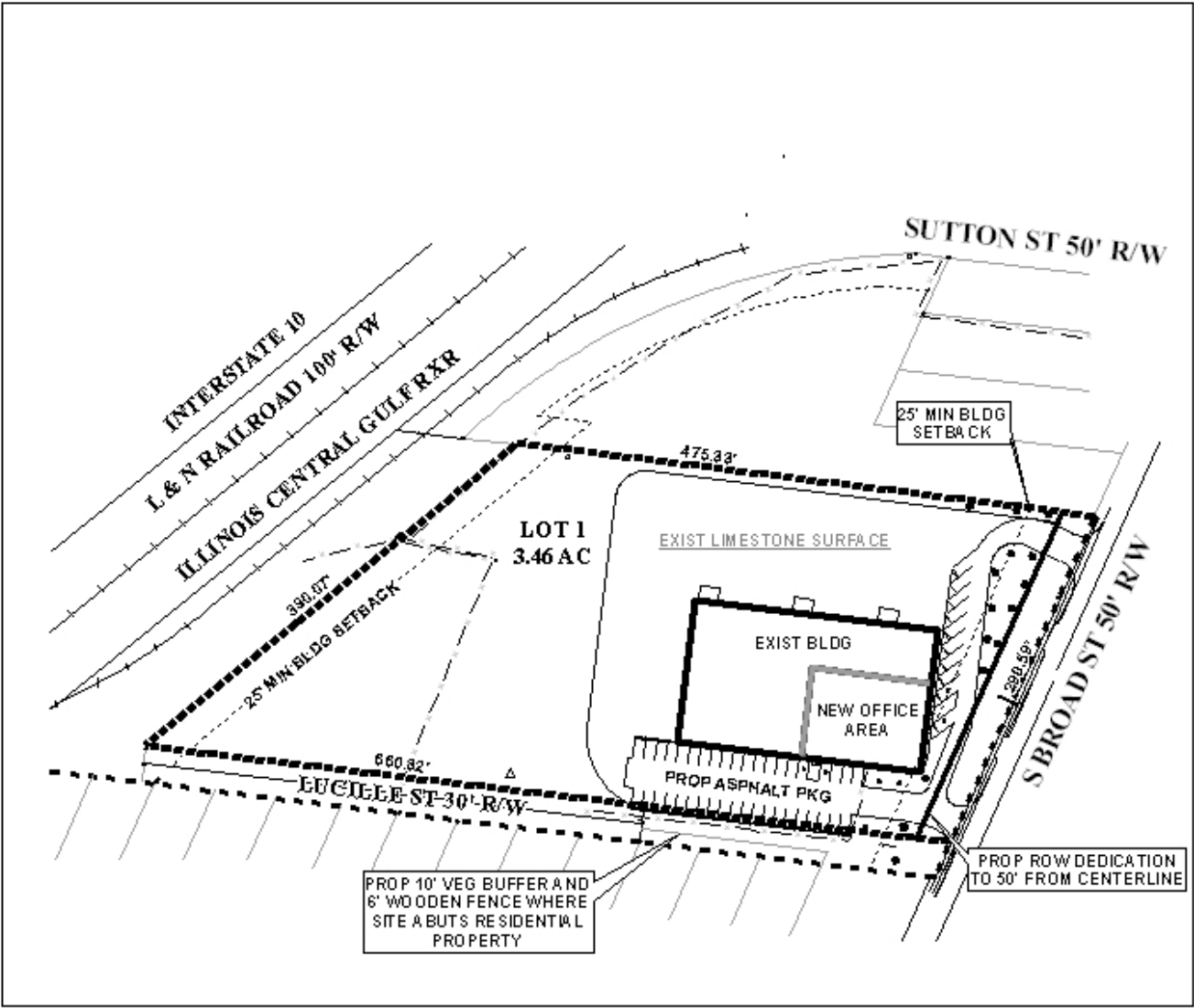
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NTS

## SITE PLAN

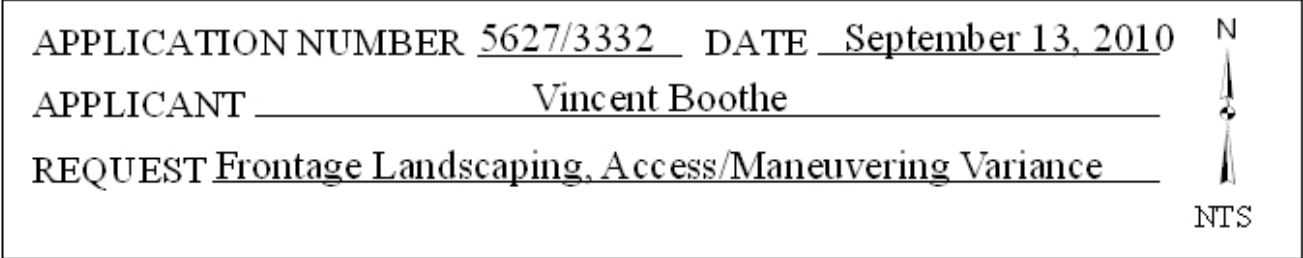


The site plan illustrates the proposed development

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