

APPLICATION NUMBER

2809/5282

A REQUEST FOR

**USE, ACCESS/MANEUVERING, PARKING SURFACE
AND PROTECTION BUFFER VARIANCES TO ALLOW A
TAX PREPARATION OFFICE, A 9-FOOT WIDE, TWO-
WAY DRIVEWAY, GRAVEL PARKING SURFACE, AND
NO BUFFER PROTECTION IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; ONLY SINGLE-FAMILY
RESIDENCES ARE ALLOWED IN A R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT, A 24-FOOT WIDE
DRIVEWAY IS REQUIRED FOR TWO-WAY TRAFFIC,
PARKING SPACES MUST BE PAVED WITH ASPHALT,
CONCRETE OR AN APPROVED ALTERNATIVE
SURFACE, AND A MINIMUM BUFFER OF A 6-FOOT
HIGH, WOODEN FENCE ARE REQUIRED**

LOCATED AT

54 NORTH SAGE AVENUE

(East side of North Sage Avenue, 310'± South of Ishee Street)

APPLICANT/AGENT

M. DON WILLIAMS, III

OWNER

KARLOUS & SONYIA ROBERTS

BOARD OF ZONING ADJUSTMENT

DECEMBER 2004

The applicant is requesting Use, Access/Maneuvering, Parking Surface and Protection Buffer Variances to allow a tax preparation office, a 9-foot wide, two-way driveway, gravel parking surface, and no buffer protection in a R-1, Single-Family Residential District; only single-family residences are allowed in a R-1, Single-Family Residential District, a 24-foot wide driveway is required for two-way traffic, parking spaces must be paved with asphalt, concrete or an approved alternative paving surface, and a minimum buffer of a 6-foot high, wooden fence are required.

The applicant proposes to renovate and convert the existing residential dwelling to a tax preparation office. The applicant proposes a new curb cut to include new asphalt for the driveway.

The applicant states the tax preparation office operation will be Monday through Friday, 8:00AM until 5:00PM, with three employees. The applicant expects approximately 10 customers per day during tax season, and 5 customers per day for the remainder of the year.

The applicant states the majority of properties on the west side of Sage Avenue North from Dauphin Street to Old Shell Road are zoned commercially. However, most sites located on the east side of Sage Avenue North are zoned residentially, with the exception of several use variances.

The applicant illustrates on the site plan that the chain link fence and gravel parking remain, and states the planting of trees in compliance with zoning requirements would compensate in keeping the residential streetscape along the east side of Sage Avenue North and the adjacent properties.

The site was granted a use variance in September, 1973, allowing an engineering and sales office, a B-1 use, with the following conditions: 1) no change in exterior of the residence and no alteration thereto; 2) no provision for parking in the front yard be made; 3) no lights that will face residential properties; and 4) that signage be restricted to 1' x 2', unlighted and affixed to the building.

Access and paving of parking spaces are concerns; a 9' access drive and gravel-parking surface are proposed. A minimum 24' drive is required for two-way traffic and the parking area must be asphalt, concrete or an approved alternate surface is required.

While there are some perceived advantages to crushed limestone parking lots (cost, aesthetics, drainage), there are also disadvantages, such as the inability to delineate spaces, migration of the aggregate material, and potential damage to vehicles. Also, after years of use, crushed limestone becomes "compacted", forming an impervious surface that is not beneficial for drainage.

Moreover, there are other alternative parking surfaces allowed by the Zoning Ordinance that would meet most of the needs and desires of the applicant. These options include interlocking pavers, porous asphalt or grasscrete. Any of these surfaces could be allowed without the need for a variance.

Typically, Traffic Engineering recommends driveway width for commercial sites (as measured behind the sidewalk) is 24' with a 20' radius. A 20' radius for typical passenger vehicles is typically desirable and required.

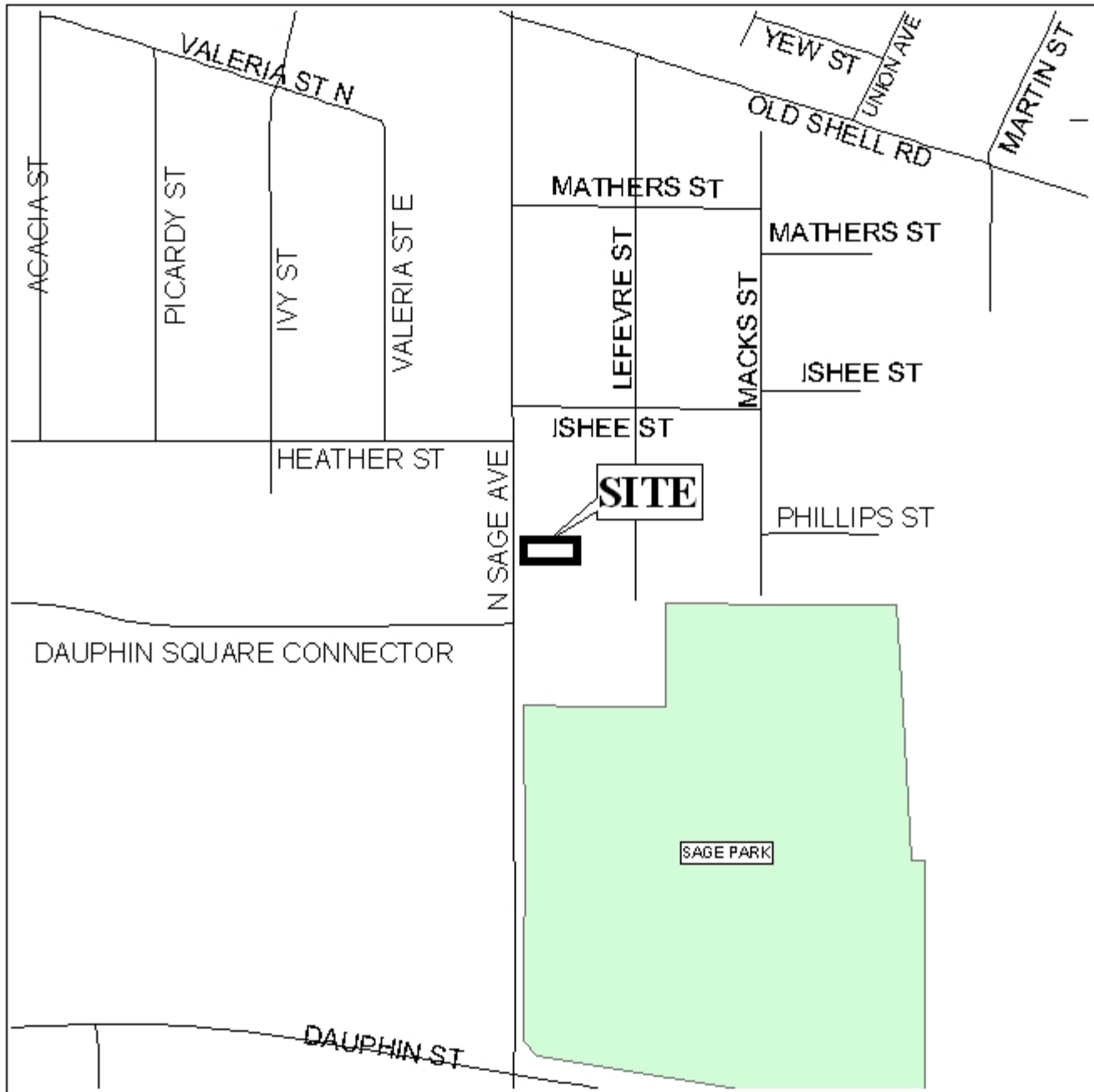
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

Given past zoning amendments and the numerous variances granted along this section of Sage Avenue North, the area is no longer entirely residential. However, the majority of commercial uses, which have been granted use variances along this portion of Sage Avenue, have been for B-1 uses. In 1973 this property was granted a variance to offer relief, and a B-1 use was allowed. However, the applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship concerning buffer separation. It is simply the applicant's desire to not furnish the required buffer protection.

RECOMMENDATION 2809/5282**Date: December 2004**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) full compliance of buffering requirements of the Zoning Ordinance.

LOCATOR MAP



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APPLICANT M. Don Williams, III (Karlous & Sonya Roberts, Owners)

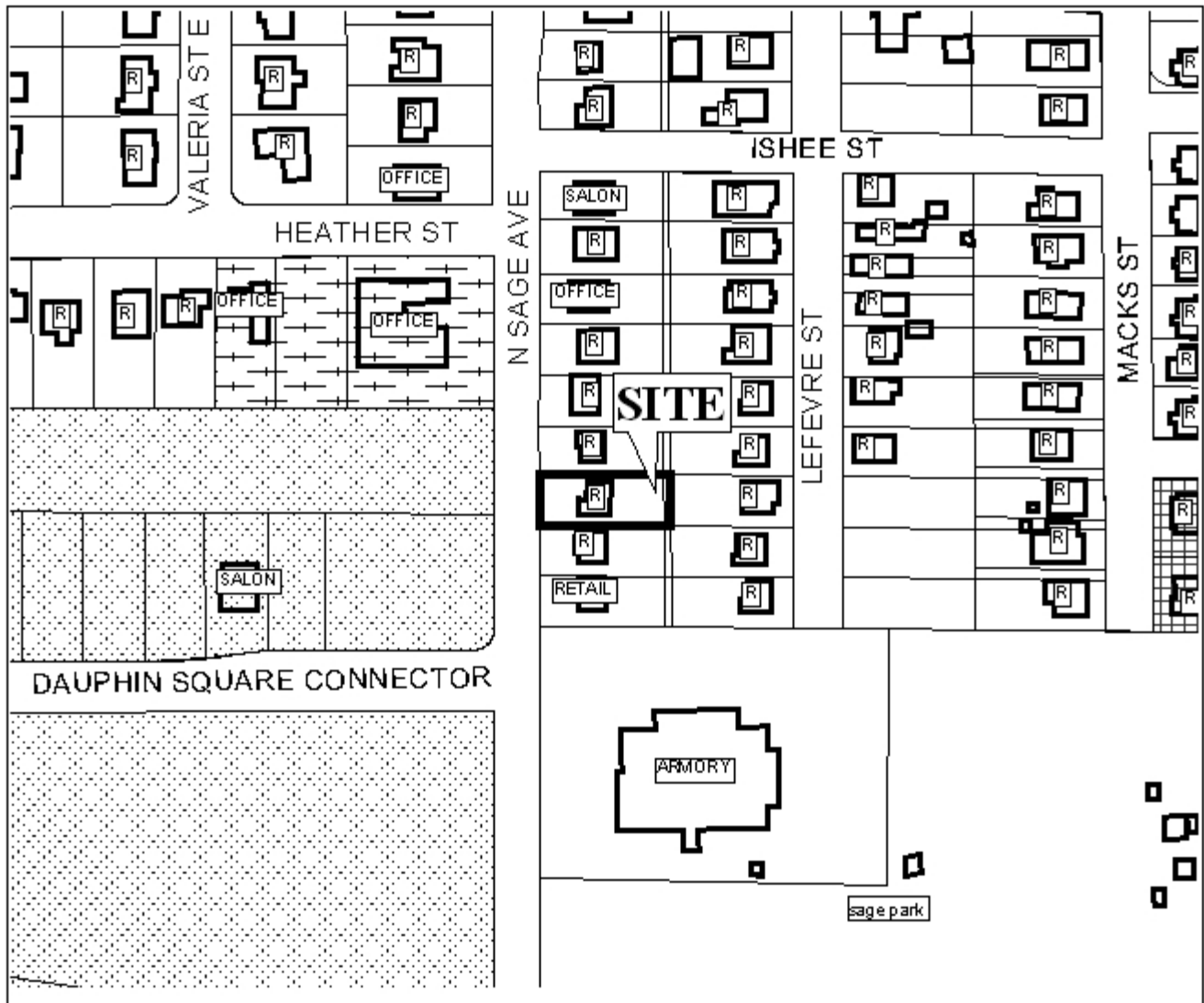
REQUEST Use, Access/Maneuvering, Parking Surface, Protection Buffer Variance



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VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north and east of the site. Offices are located to the west of the site. An armory and a park are located to the south of the site.

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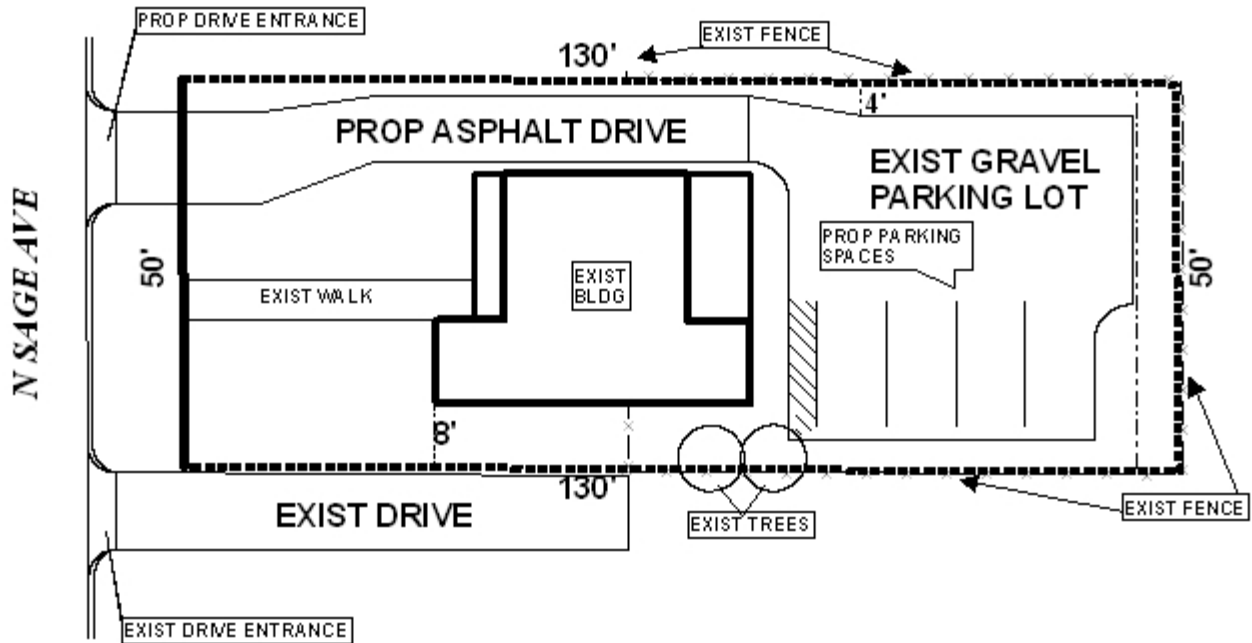
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LEGEND

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	NTS
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SITE PLAN



The site plan illustrates the existing building, drive, landscaping, and parking area along with the proposed asphalt drive, entrance, and parking configuration

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