

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 3, 2011****CASE NUMBER**

5709/5514/5448

**APPLICANT NAME**

L' Arche Mobile

**LOCATION**109 Bradford Avenue  
(East side of Bradford Avenue, 300'± North of  
Government Street)**VARIANCE REQUEST****USE:** Variance to allow a domiciliary care facility in an R-1, Single-Family Residential District.**ACCESS:** Variance to allow a 7-foot wide driveway.**PARKING:** Variance to allow no designated parking area.**MANEUVERING:** Variance to allow no designated maneuvering area.**LANDSCAPING:** Variance to allow no landscaping area.**TREE PLANTING:** Variance to allow no tree plantings.**ZONING ORDINANCE  
REQUIREMENT****USE:** Requires at least B-1, Buffer Business District.**ACCESS:** Minimum 24-foot wide driveway.**PARKING:** Designated parking must be provided.**MANEUVERING:** Designated maneuvering areas must be provided.**LANDSCAPING:** Full compliance with landscaping requirements.**TREE PLANTING:** Full compliance with tree planting requirements.**ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

0.1± Acres

**ENGINEERING  
COMMENTS**

No comments

**TRAFFIC ENGINEERING  
COMMENTS**

Driveway radii must be at least 20'. If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting approval for Use, Access, Parking, Maneuvering, Landscaping, and Tree Planting Variances to allow a domiciliary care facility in an R-1, Single-Family Residential District, with a 7-foot wide driveway, no designated parking or maneuvering areas, no landscaping area, and no tree plantings; the Zoning Ordinance requires B-1, Buffer Business District, for a domiciliary care facility, with designated parking and maneuvering areas, and full compliance with landscaping and tree planting requirements.

Similar variances have been applied for by previous owners and approved at this location by the Board of Zoning Adjustment at its December 3, 2007 and December 1, 2008 meetings. However, both applicants failed to obtain permits for the site within the six months after the approvals, therefore those variances expired.

It appears that the property was developed as a four-unit apartment house in the 1940's, but nonconforming use history documentation for the property has not been updated by property owners since 1994. The current owners wish to convert the building into a three-unit domiciliary care facility.

With regard to the Access, Parking, and Maneuvering Variance requests, the site does not contain enough area to allow compliance with the current width standards for a two-way driveway. The site plan illustrates that the applicant is proposing to replace an existing broken concrete area with asphalt to provide unmarked parking, however the size of the paved area available for parking will be reduced significantly from 1,000± square feet to 264± square feet. The amount of required parking for a domiciliary care facility is calculated at one (1) parking space per four (4) beds. The applicant states that they plan to house up to eight (8) individuals; therefore they should be required to provide at least two parking spaces.

With regard to the Landscaping and Tree Planting Variance requests, the site does provide sufficient frontage area for compliance, but the Board granted relief from such with the previous approvals. The applicant may not be able to meet full tree planting requirements, however they should coordinate with Urban Forestry to comply as much as possible.

It should be noted that while a buffer is not illustrated on the site plan, a 6' high privacy fence should be provided on the North boundary of the property where the site is adjacent to an R-1, Single-Family Residential District.

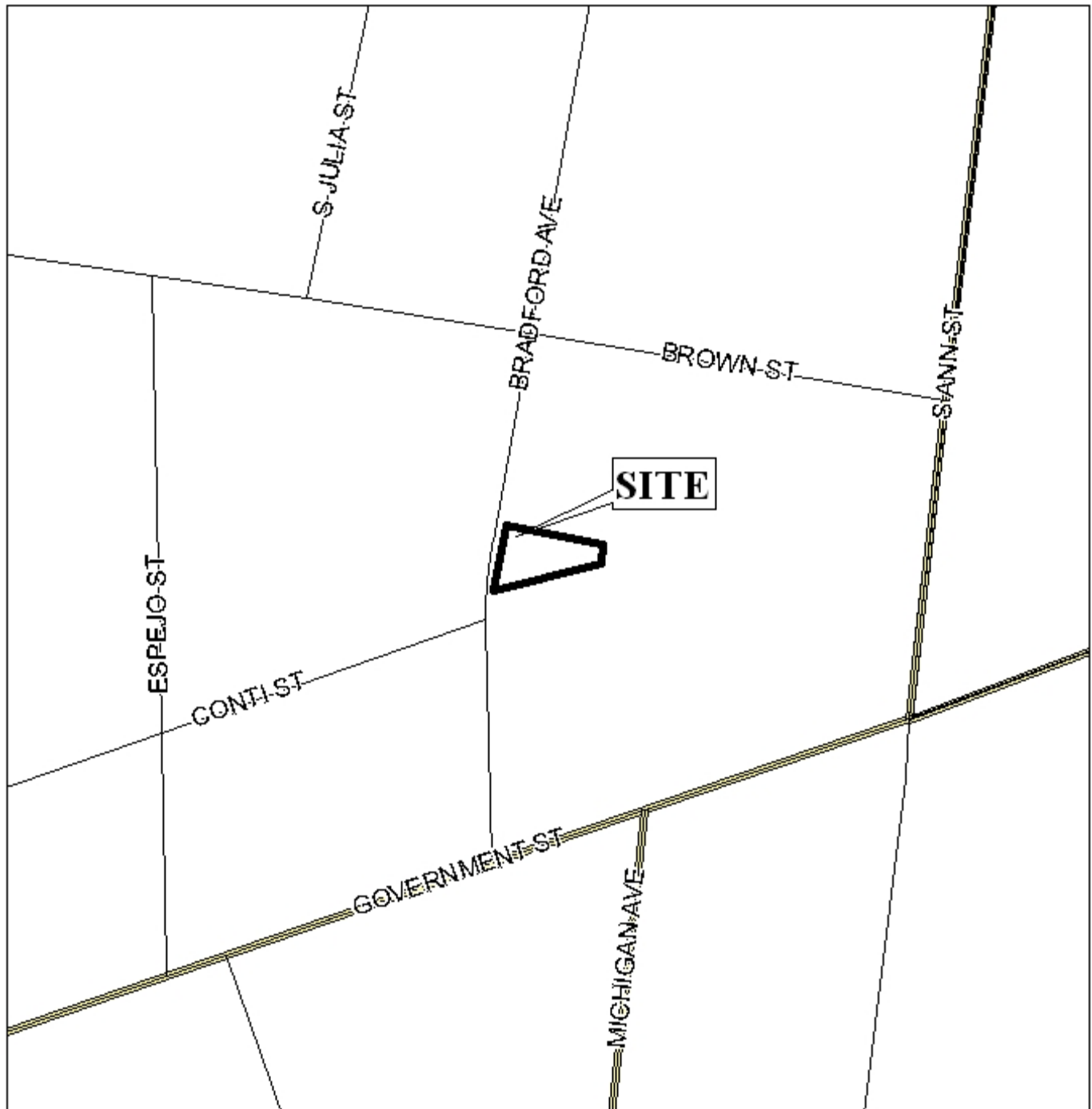
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

**RECOMMENDATION:** Based on the preceding, this application is recommended for approval subject to the following conditions:

- 1) parking area must be paved with asphalt and at least two standard-sized parking spaces provided;
- 2) coordination with Urban Forestry to comply with tree planting regulations;
- 3) provision of a 6' high buffer fence on the North property boundary; and
- 4) full compliance with all municipal codes and ordinances

## LOCATOR MAP



APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011

APPLICANT L' Arche Mobile

REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Business land use is located to the south of the site. Residential land use is located to the north and west of the site.

APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011

APPLICANT L' Arche Mobile

REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances

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



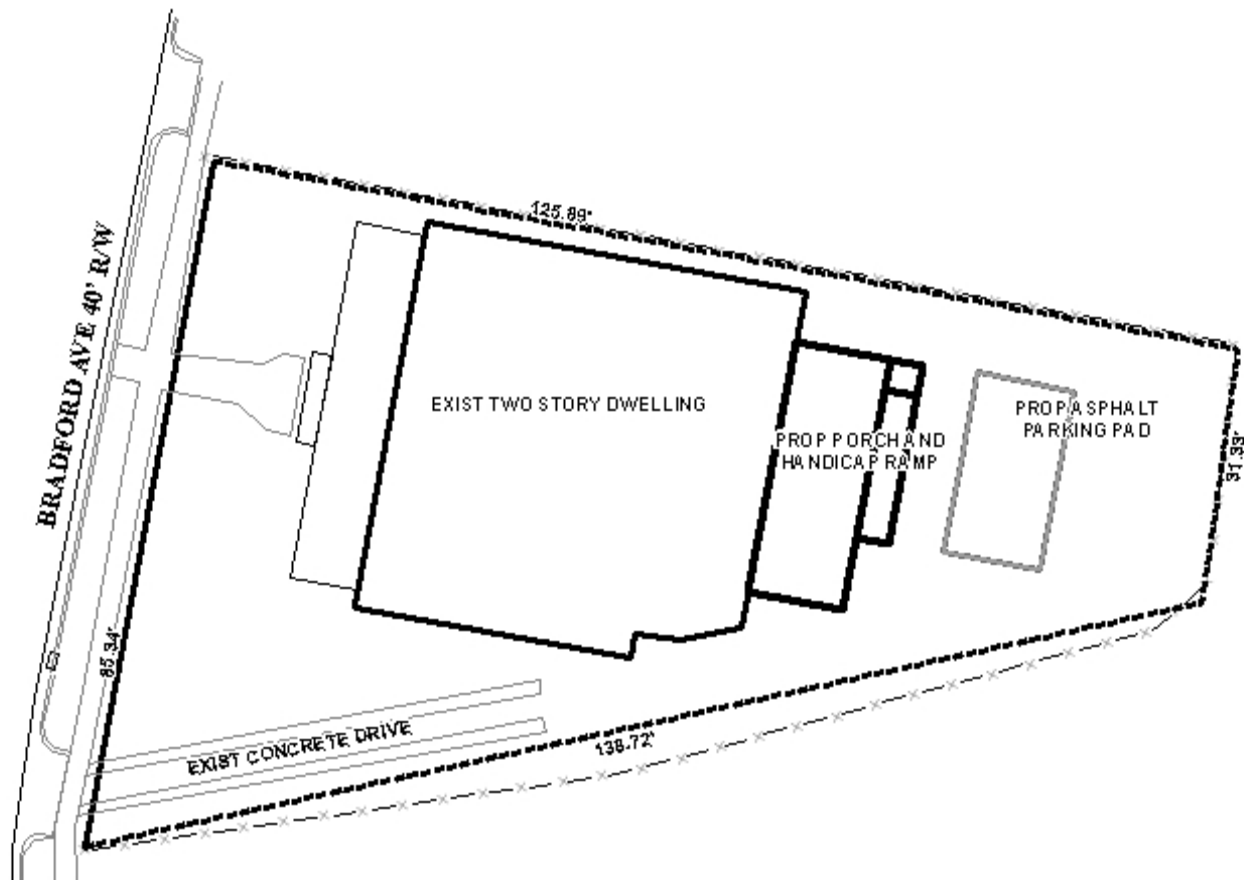
Business land use is located to the south of the site. Residential land use is located to the north and west of the site.

APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011  
APPLICANT L' Arche Mobile  
REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances



NTS

# SITE PLAN



The site plan illustrates the existing dwelling, proposed porch addition, and proposed parking pad.

APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011

APPLICANT L' Arche Mobile

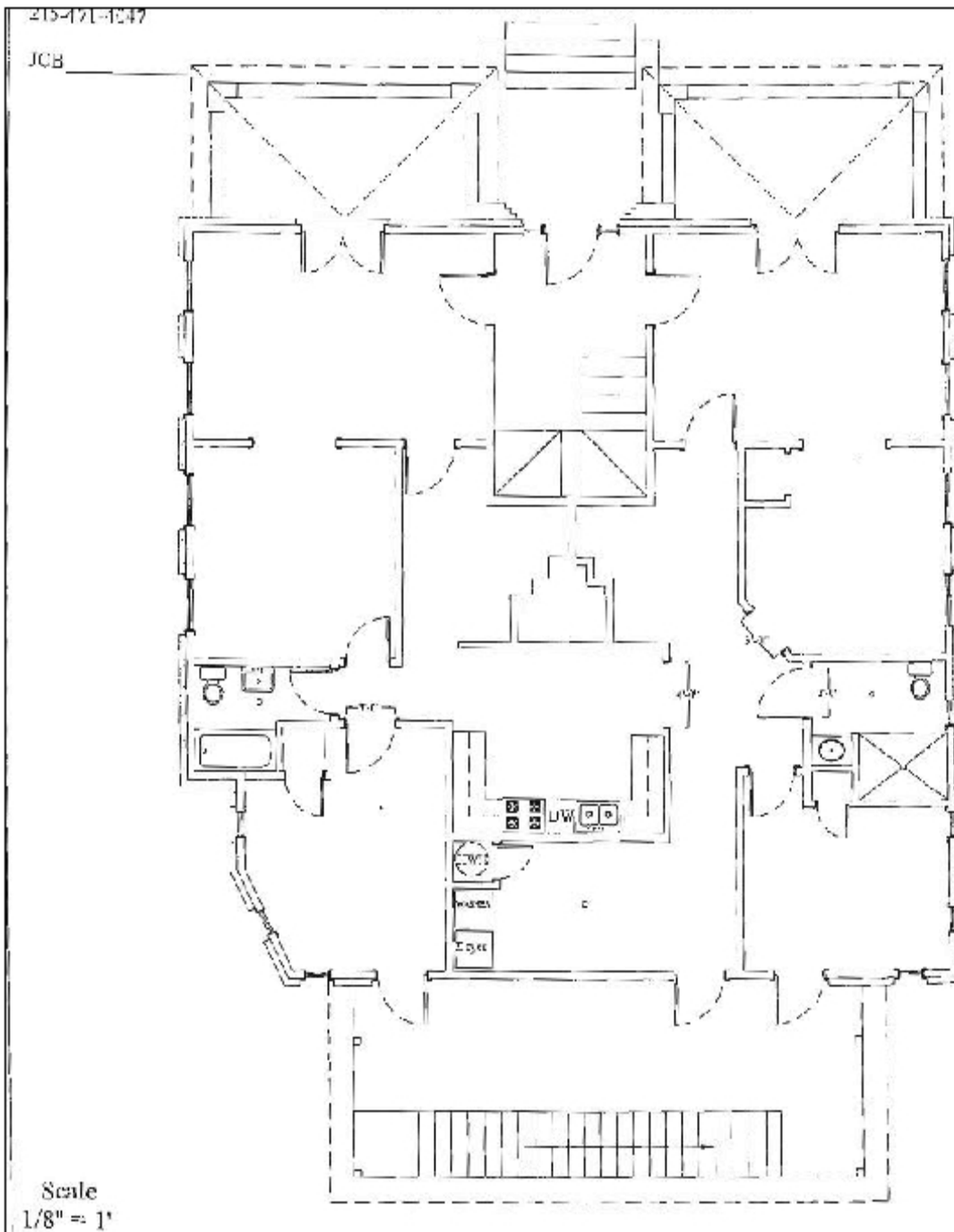
REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances



NTS



## BOTTOM FLOOR PLAN DETAIL



APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011

APPLICANT L' Arche Mobile

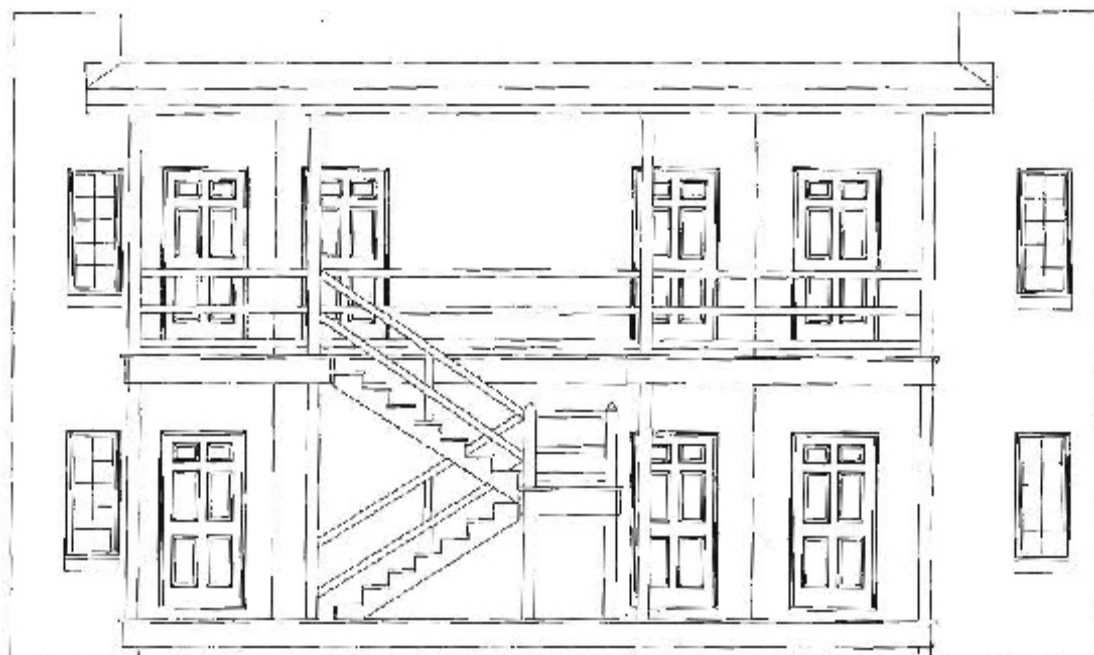
REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances

N  
NTS





## BUILDING ELEVATION DETAIL



APPLICATION NUMBER 5709/5514/5448 DATE October 3, 2011

APPLICANT L' Arche Mobile

REQUEST Use, Access, Parking, Maneuvering, and Landscaping, Tree Planting Variances



NTS