

APPLICATION NUMBER

5469

A REQUEST FOR

**PARKING AND ACCESS/MANEUVERING SURFACE
VARIANCES TO ALLOW AGGREGATE PARKING AND
ACCESS/MANEUVERING AREAS AT A WASTE WATER
PUMPING STATION IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; PARKING AND
ACCESS/MANEUVERING AREAS AT A WASTE WATER
PUMPING STATION MUST BE ASPHALT, CONCRETE
OR AN APPROVED ALTERNATIVE PAVING SURFACE
IN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICTS.**

LOCATED AT

1705 CONTI STREET

(South side of Conti Street, 450' ± East of Hannon Avenue)

APPLICANT

VOLKERT AND ASSOCIATES, INC

OWNER

MARION C. FORREST

BOARD OF ZONING ADJUSTMENT

MAY/2008

The applicant is requesting Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas at a waste water pumping station in an R-1, Single-Family Residential District; parking and access/maneuvering areas at a waste water pumping station must be asphalt, concrete or an approved alternative paving surface in R-1, Single-Family Residential Districts.

The single-family dwelling currently located on the site is proposed to be demolished, and an enclosed compound approximately 30' wide by 40' deep is proposed to be built slightly West of the center of the lot. The applicant also proposes a 12'-wide gravel drive from Conti Street for access. The site is located within the Old Dauphin Way Historic District, and both the residential demolition and pumping station construction have received Architectural Review Board (ARB) Certificates of Appropriateness (COA), as well as Planning Commission Approval. Furthermore, the COA states "A gravel drive will be installed on the eastern portion of the lot that will blend with the residential character of the adjacent properties". However, as mentioned earlier, the Zoning Ordinance requires that parking and access/maneuvering areas at a waste water pumping station be asphalt or concrete; hence this application.

With regard to the applicant's request, the COA approval with the gravel drive does not justify the granting of such variance. Inasmuch as the intent of the gravel drive is to be harmonious with the residential character of the neighborhood, this is to be a commercial/industrial use. The Zoning Ordinance requires that the drive be constructed of asphalt, concrete, or an approved alternative paving surface.

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.

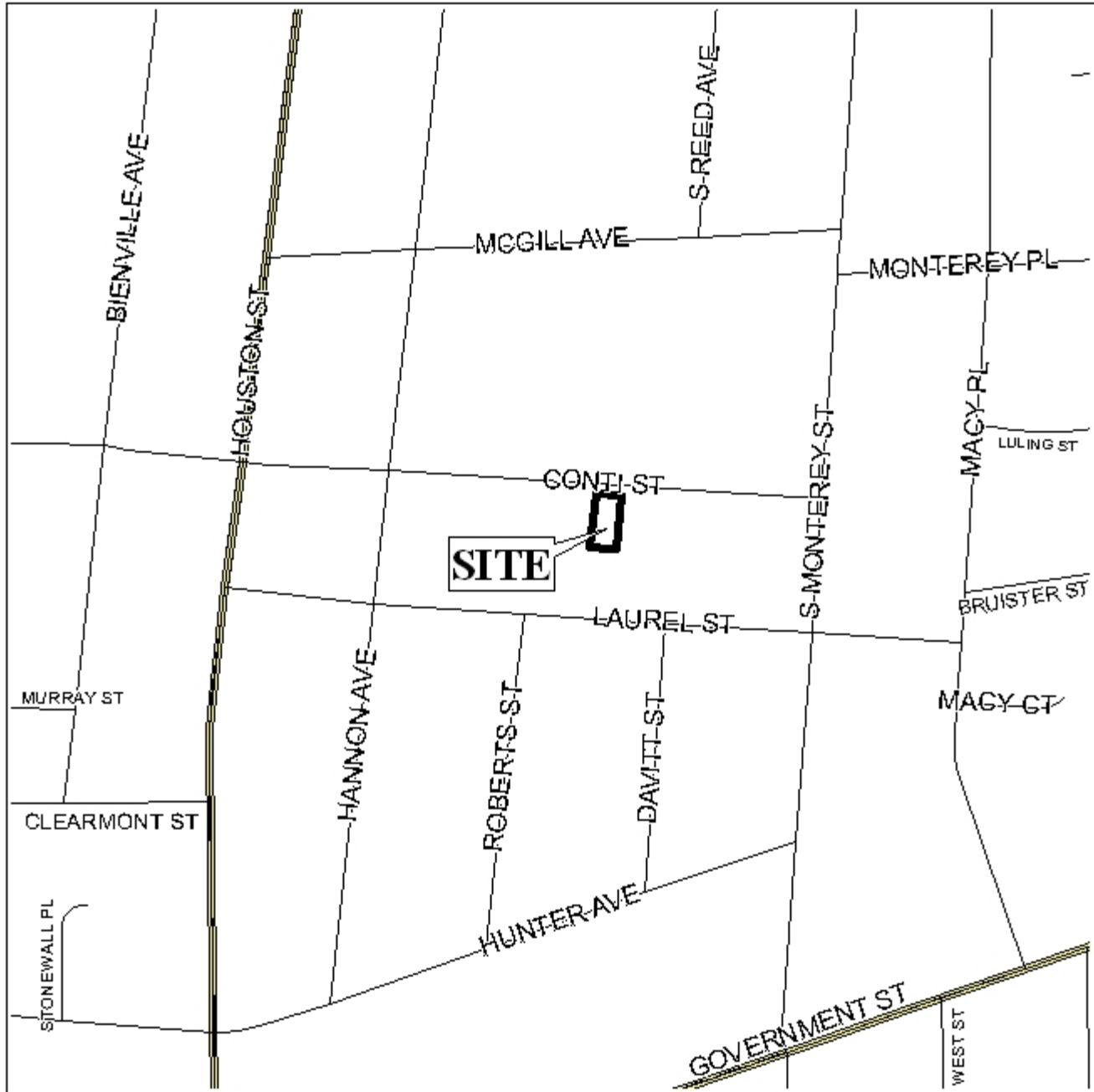
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's wish to have aggregate parking and access/maneuvering areas at a waste water pumping station in an R-1, Single-Family Residential District.

RECOMMENDATION 5469**Date: May 5, 2008**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



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REQUEST Parking and Access/Maneuvering Surface Variances



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Little Sisters of the Poor Charitable Service is located to the north of the site and single family residential units are to the east, west, and south.

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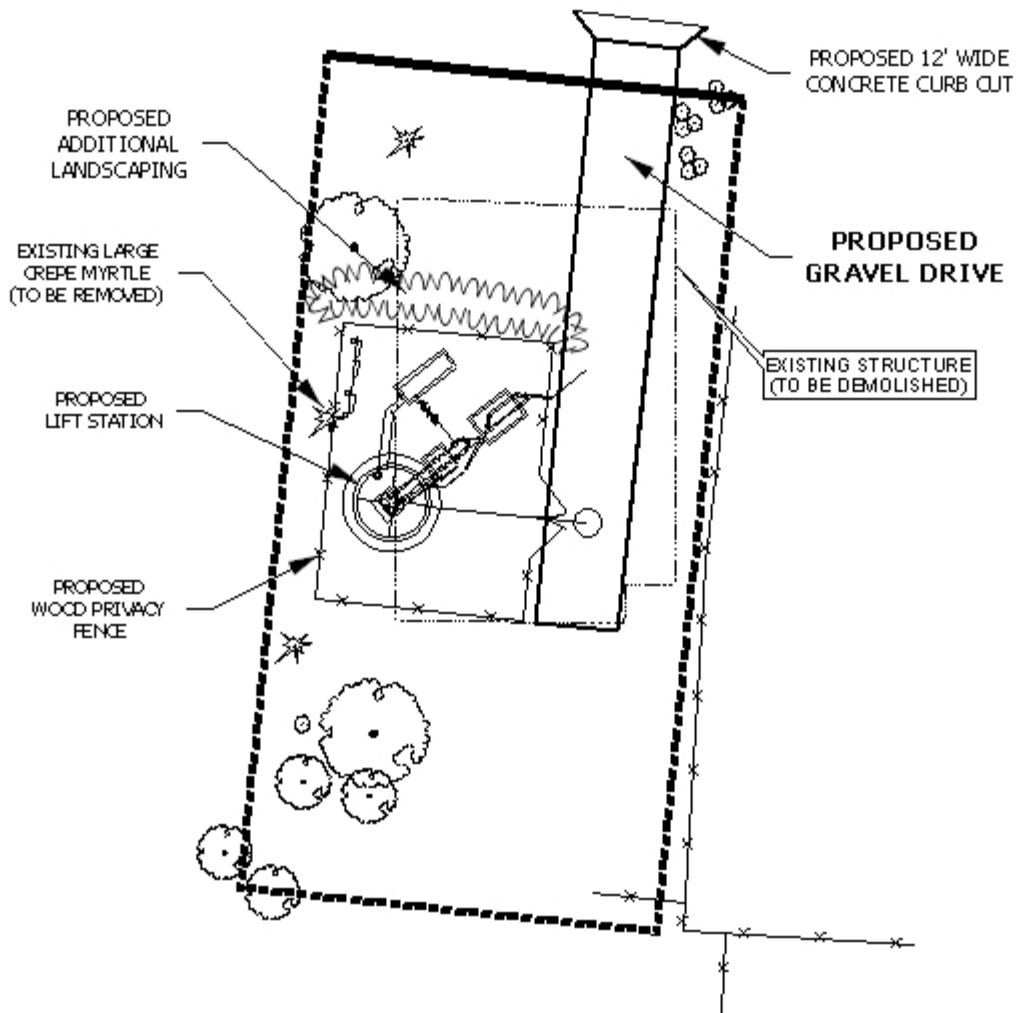
REQUEST Parking and Access/Maneuvering Surface Variances

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
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SITE PLAN



The building to be demolished, proposed structures, landscaping, and gravel drive are represented in the site plan.

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