

APPLICATION NUMBER

5515/5434

A REQUEST FOR

**SITE VARIANCE TO ALLOW THE VEHICLE STACKING
AREA TO BE IN THE DRIVE AISLE FOR A PHARMACY
DRIVE-THRU WINDOW IN A B-3, COMMUNITY
BUSINESS DISTRICT; THE ORDINANCE REQUIRES
THREE QUEUING SPACES FOR A DRIVE-THRU
WINDOW STACKING AREA TO BE OUT OF A DRIVE
AISLE IN A B-3, COMMUNITY BUSINESS DISTRICT**

LOCATED AT

1234 HILLCREST ROAD

(Northwest corner of Hillcrest Road and Grelot Road)

APPLICANT

HALSTEAD LLC

OWNER

DBM COMPANY, LP

BOARD OF ZONING ADJUSTMENT

DECEMBER 2008

The applicant is requesting a site variance to allow the vehicle stacking area to be in the drive aisle for a pharmacy drive-thru window in a B-3, Community Business District; the Ordinance requires three queuing spaces for a drive-thru window stacking area to be out of a drive aisle in a B-3, Community Business District.

If approved, the applicant plans to combine the two parcels and construct a 13,600 square feet pharmacy with a double drive-thru and all required infrastructure improvements. All requirements will be met (parking, landscaping/trees, etc.), except for the stacking issue. The applicant states that the minimum stacking requirement cannot be met because of not being able to change the typical internal merchandising and pharmacy layout prototypes. Furthermore, in addition to the stacking variance, the applicant also proposes shared access with adjacent building sites to the West.

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.

With regard to the applicant's request, it is staff's position that the store, and accessory drive thru, could be designed to comply with the Zoning Ordinance. The hardship, as stated by the applicant, is self-imposed. Also, as illustrated on the site plan, stacking of automobiles would encroach into a proposed drive way from the West, thereby posing a problem of traffic congestion. In addition to the requested variance there are other issues that will need to be addressed. First, subdivision approval will be required to combine the two subject parcels. Second, a Planned Unit Development application will be required for shared access between multiple building sites.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5515/5434

Date: December 1, 2008

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5515/5434 DATE December 1, 2008

APPLICANT Halstead LLC

REQUEST Site Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

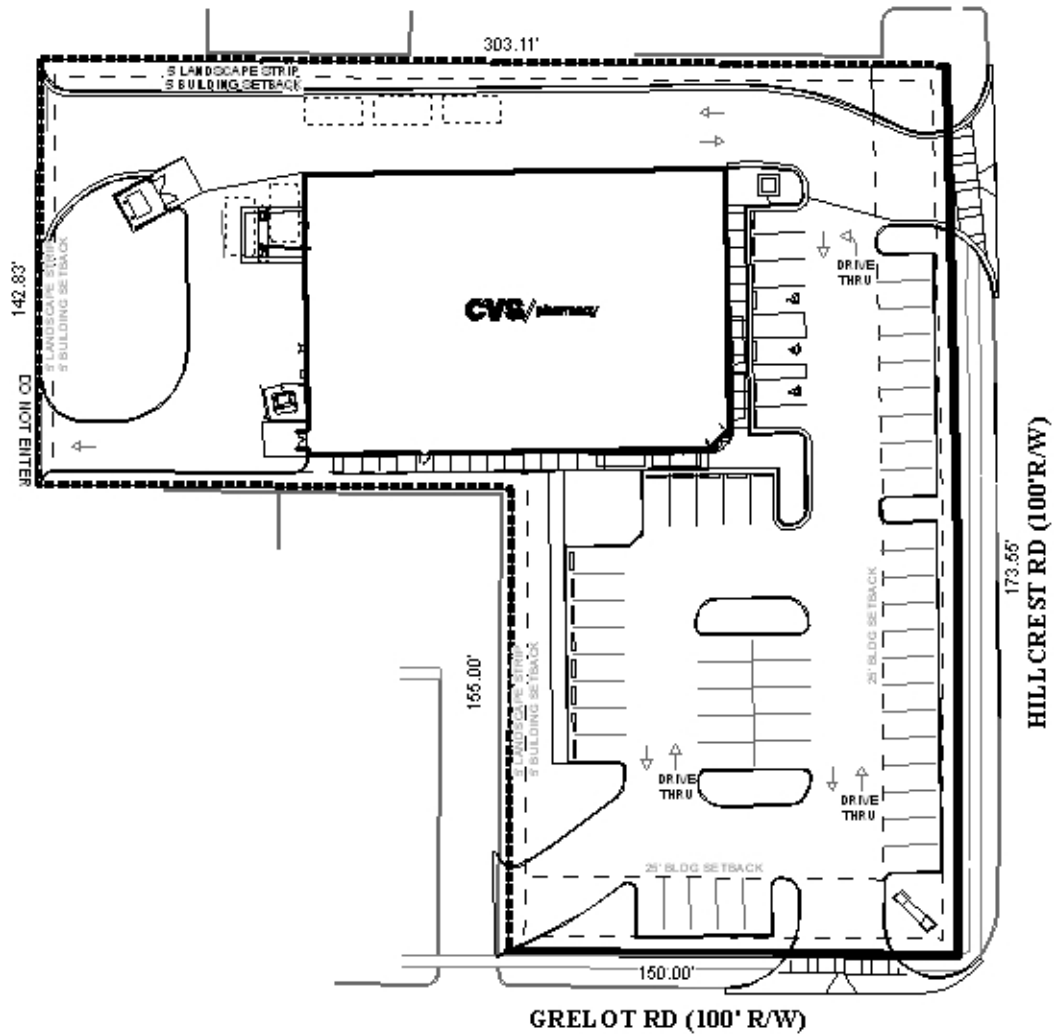
APPLICATION NUMBER 5515/5434 DATE December 1, 2008

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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 N NTS

SITE PLAN



This site plan illustrates proposed lot configuration.

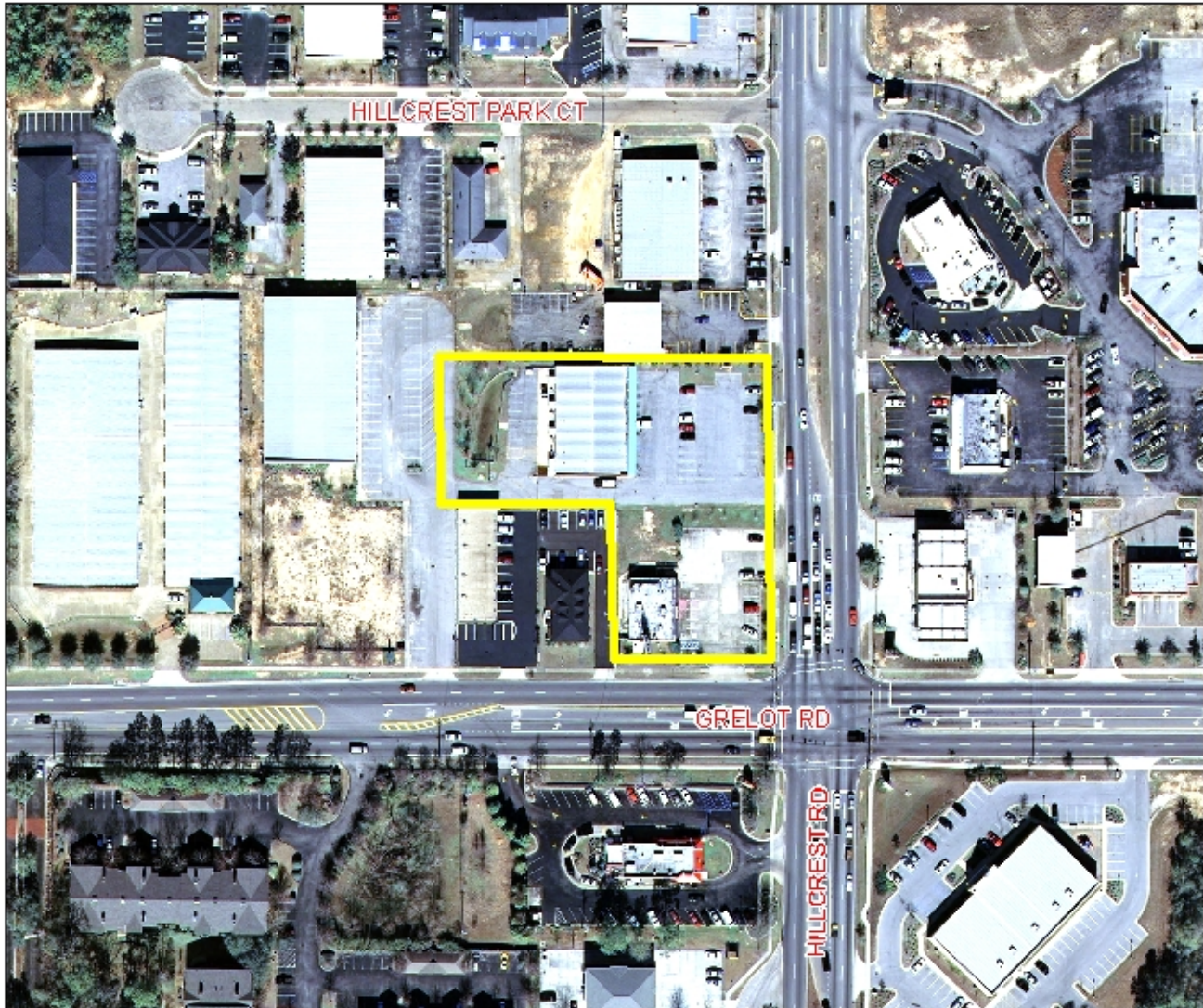
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N
NTS