

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 14, 2011****CASE NUMBER**

5665

APPLICANT NAME

Robert F. Lee

LOCATION

2404 Staples Road
(North side of Staples Road, 561'± East of Alba Club Road)

VARIANCE REQUEST

USE: Allow expansion of a cabinet shop in an R-1, Single-Family Residential District.

MANEUVERING: Allow 10-foot wide accessways for two-way traffic.

FRONTAGE TREE PLANTINGS: Allow the applicant to not plant any frontage trees.

SURFACING: Allow the retention of some aggregate maneuvering area

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires an B-3, Community Business District, I-1, Light Industry District, or I-2, Heavy Industry District for a Custom Cabinet Shop.

MANEUVERING: The Zoning Ordinance requires accessways for two-way traffic to be at least 24 feet wide.

FRONTAGE TREE PLANTINGS: The Zoning Ordinance requires 1 (one) overstory heritage tree from 30 linear feet of street frontage.

SURFACING: All accessways and parking areas are required to be asphalt or concrete.

ZONING

R-1, Single Family Residential District

AREA OF PROPERTY

2.47 Acres ±

**TRAFFIC ENGINEERING
COMMENTS**

None received

CITY COUNCIL
DISTRICT

District 3

ANALYSIS

The applicant is requesting Use, Maneuvering, Surfacing, and Frontage Tree Planting Variances to allow a cabinet shop, substandard drive aisles, some aggregate maneuvering area, and no frontage tree plantings in an R-1, Single-Family Residential District, the Zoning Ordinance requires a minimum of a B-3, Community Business District, minimum drive aisle width of 24 feet for two way traffic, all accessways and parking to be concrete or asphalt, and frontage tree planting of one overstory heritage tree per 30 linear feet of street frontage.

The applicant wishes to expand an existing legal non-conforming cabinet shop by constructing a building on an existing concrete slab. According to the non-conforming use affidavit on file, the business has been in operation since 1961. The current shop on the site is 4,981 square feet. The proposed expansion is 2,730 square feet, which represents a 54% increase in the non-conforming use. In addition to the shop, the applicant's residence is also located on the site. The site is surrounded by single-family residences, and also lies within a Flood Hazard Zone.

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.

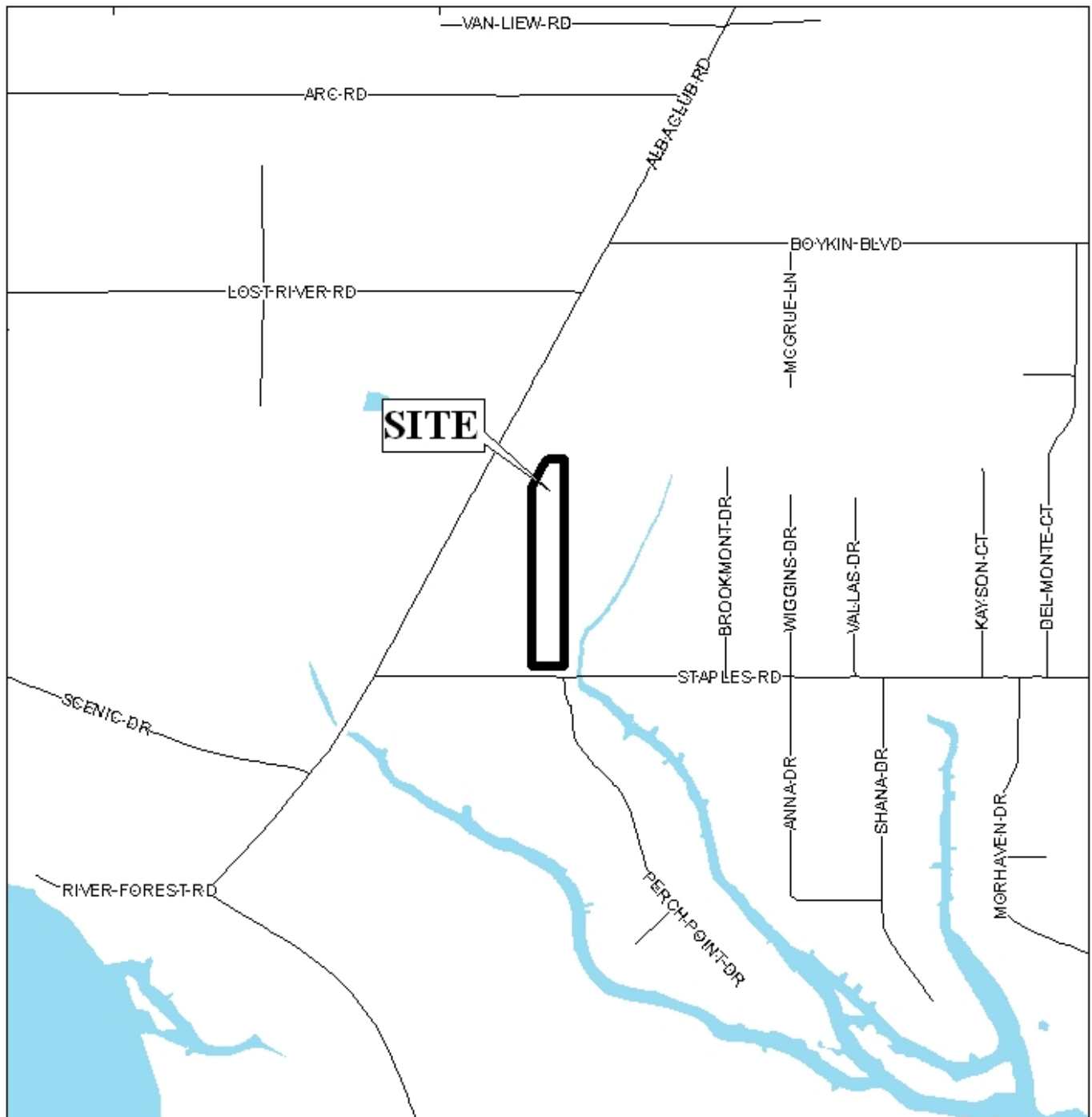
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant does not specifically state what hardship is on the property, other than its existing non-conforming status. There is no hardship that is readily available to justify the expansion. As such, the application should be denied.

RECOMMENDATION

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

LOCATOR



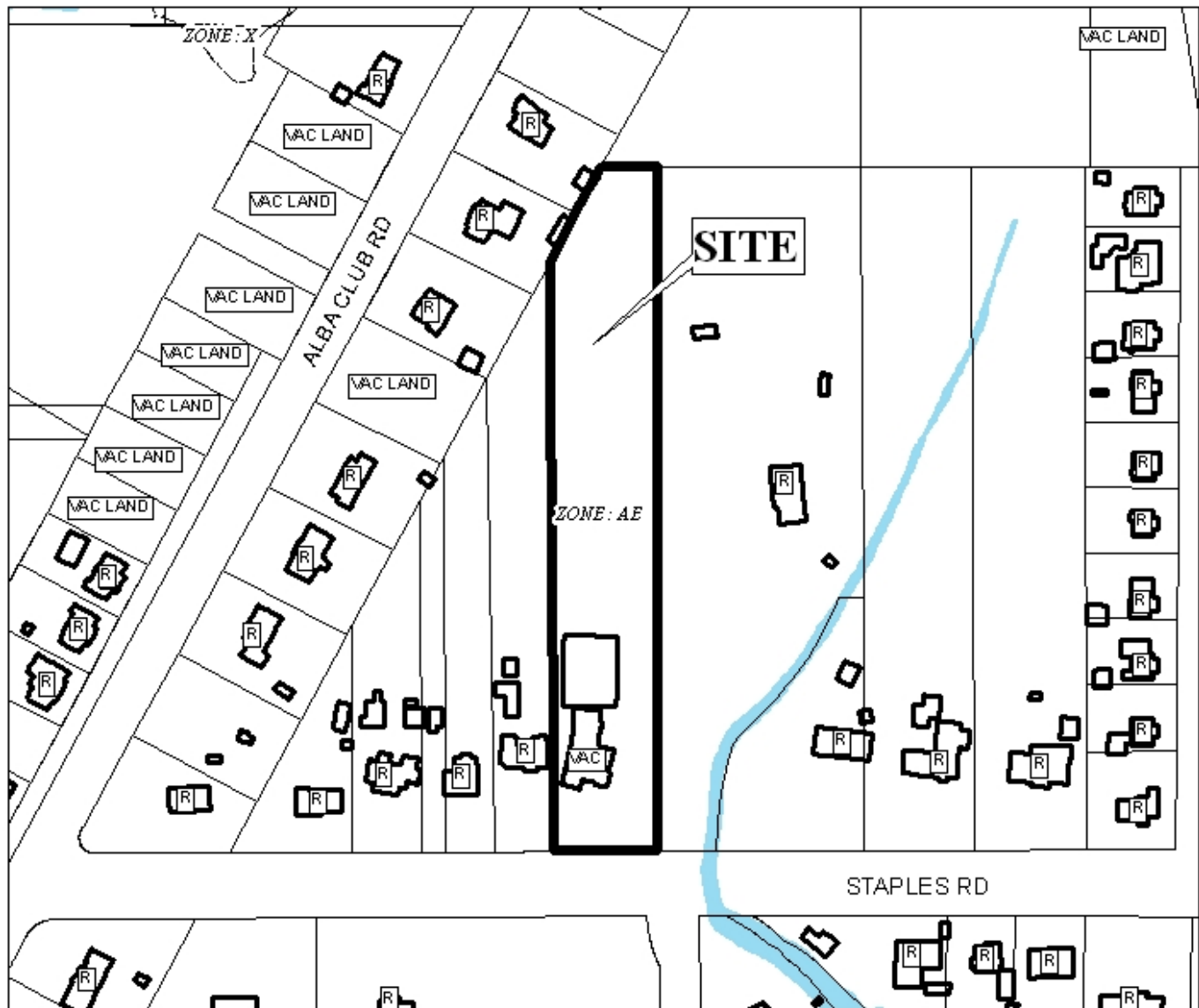
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APPLICANT Robert F. Lee

REQUEST Use, Maneuvering and Frontage Tree Planting Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



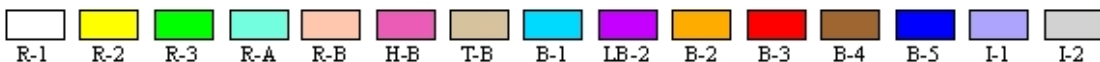
This site is surrounded by residential land use.

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LEGEND



NTS

**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



This site is surrounded by residential land use with a salon to the east.

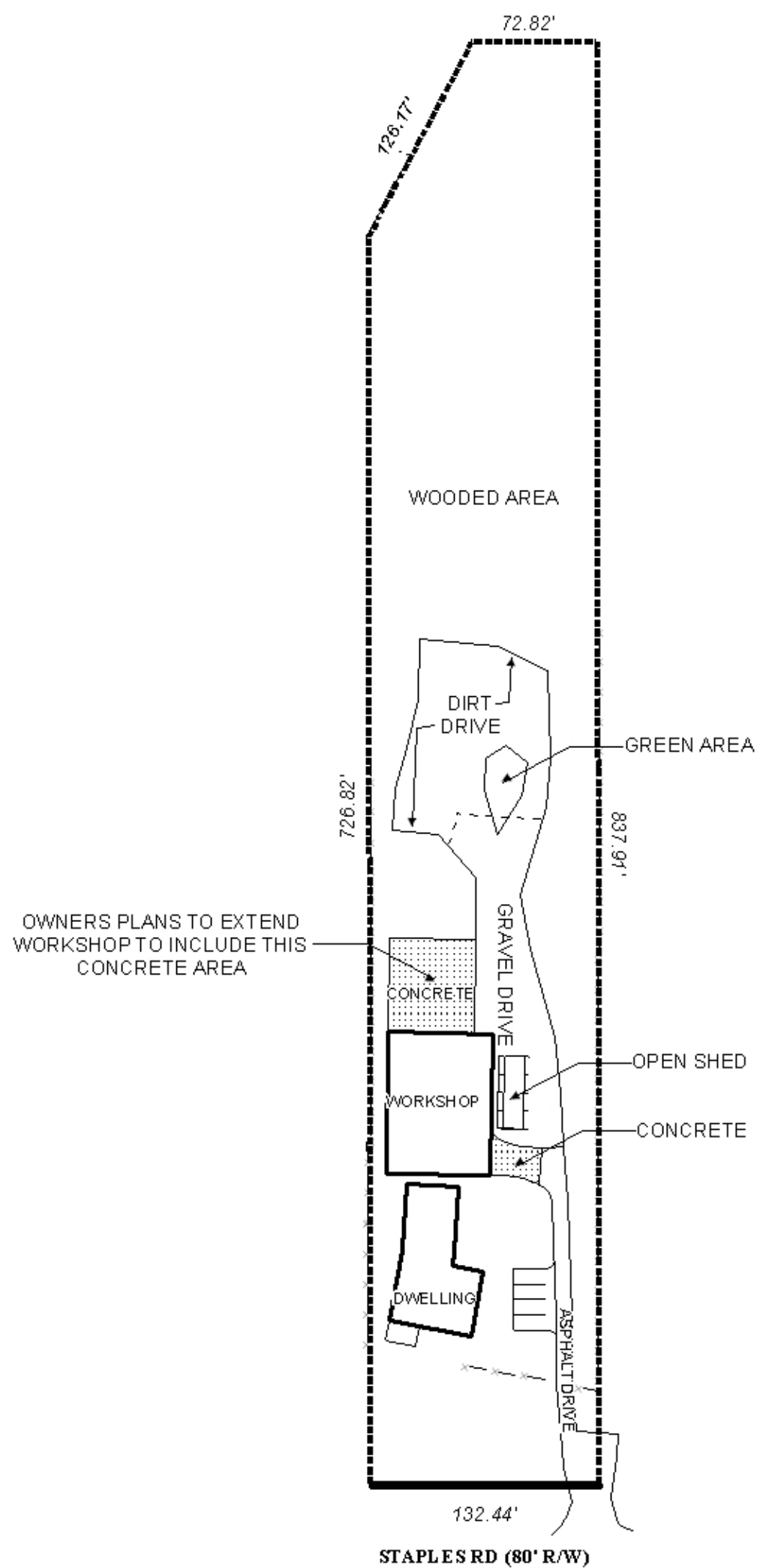
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SITE PLAN



This site plan illustrates the existing structures and lot configuration.

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