

APPLICATION NUMBER

5587 / 5410

A REQUEST FOR

**USE, MANEUVERING, TREE PLANTING AND
LANDSCAPING AREA VARIANCES TO ALLOW AN
AUTOMOTIVE REPAIR SHOP WITH INSUFFICIENT
VEHICLE MANEUVERING AREA AND NO TREE
PLANTINGS OR LANDSCAPING AREA IN AN R-1,
SINGLE FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE REQUIRES A MINIMUM OF A B-3,
COMMUNITY BUSINESS DISTRICT, AND REQUIRES
TWO-WAY DRIVE AISLES OF AT LEAST 24 FEET FOR
ADEQUATE VEHICLE MANEUVERING AREA AND
REQUIRES AT LEAST 12% OF THE BUILDING SITE TO
BE LANDSCAPED, WITH 60% OF THE FIGURE
LOCATED IN THE FRONTAGE**

LOCATED AT

1250 ARLINGTON STREET

(Northwest corner of Arlington Street and Bascomb Street)

APPLICANT / OWNER

THOMAS M. KAOUI

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting Use, Maneuvering, Tree Planting and Landscaping Area Variances to allow an Automotive Repair Shop with insufficient vehicle maneuvering area and no tree plantings or landscaping area in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum of a B-3, Community Business District, and requires two-way drive aisles of at least 24 feet for adequate vehicle maneuvering area and requires at least 12% of the building site to be landscaped, with 60% of the figure located in the frontage.

The applicant states the proposed use as an automotive mechanic shop will be open from 8:00 a.m. to 5:00 p.m. Monday through Saturday. There will be 2 employees and up to 3 customers per day. The applicant further states that the subject site has been used as a service station and a mechanic shop for over 50 years. Indeed, as the applicant states, the existing structure is a commercial building with 2 bays doors for automotive maintenance; it was not constructed as and never has been a residence. The applicant is also requesting relief from landscaping and tree planting. The site is and always has been entirely surfaced with concrete. Furthermore, the applicant argues that the site is within a low socio-economic area with no landscaping on any property surrounding the subject site; thus, provision of landscaping would be out of character of the neighborhood.

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.

It should be noted that the subject site was approved for the same request in 2007, but it expired shortly after due to non-compliance with the conditions of approval. The site is indeed commercial in nature and always has been. Directly across the street is a similar operation, which has also existed for many years. The Board should have sufficient justification for approval of the use.

With regards to maneuvering area, the site currently has three large curb cuts preventing the applicant from providing the required spacing behind each parking space. Therefore, this application could be approved.

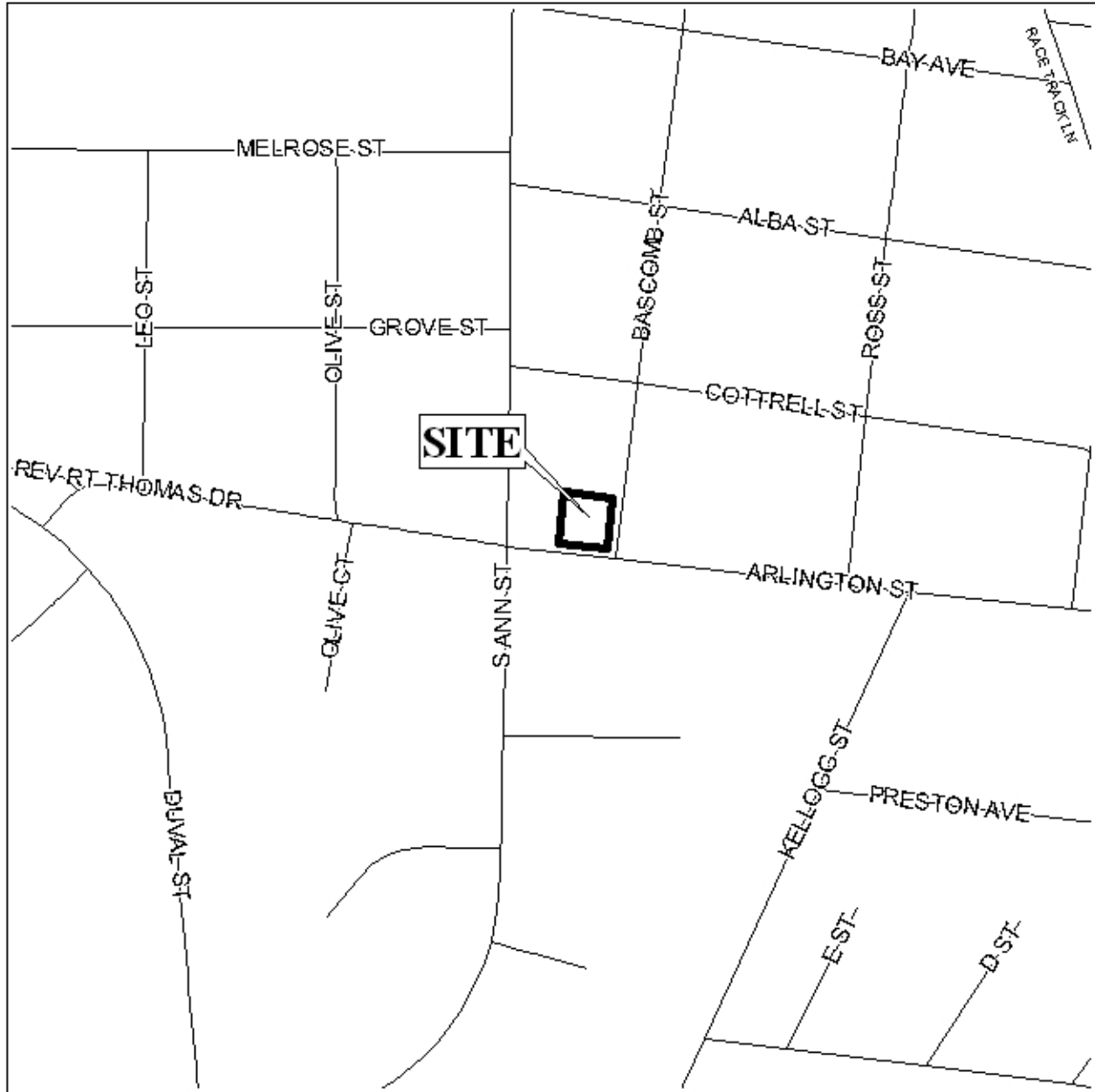
With regard to landscaping and tree planting, the fact that the property is within a low socio-economic area is not necessarily justification to waive compliance with the landscape ordinance. The site is, on the other hand, within an area where foot traffic is predominant. This combined with the nature of the business and lack of green space, a waiver here may be appropriate; however, the applicant should still coordinate with the Urban Forestry Section of Urban Development and donate trees to the tree bank.

RECOMMENDATION 5587 / 5410**Date: December 7, 2009**

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

- 1) Provision of a privacy fence, in compliance with Section 64-4 of the Zoning Ordinance where the property is adjacent to residentially zoned property.

LOCATOR MAP



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APPLICANT Thomas M. Kaoui

REQUEST Use, Maneuvering, Tree Planting and Landscaping Area Variances



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



There is a restaurant and retail to the west of the site, a salon and single family residential units to the north, an auto repair and single family residential units to the east, and apartments south of the site.

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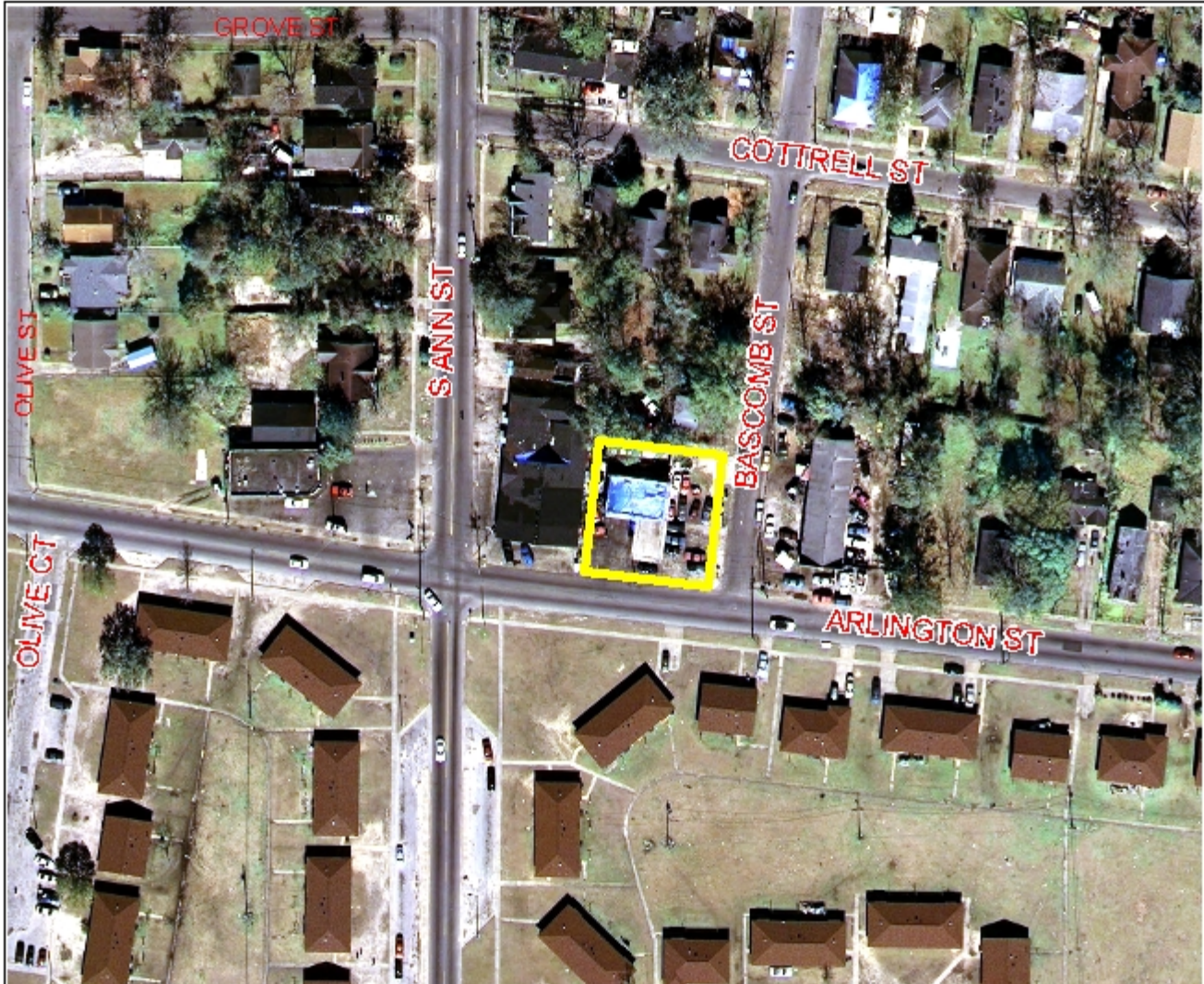
REQUEST Use, Maneuvering, Tree Planting and Landscaping Area Variances

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	F-1	F-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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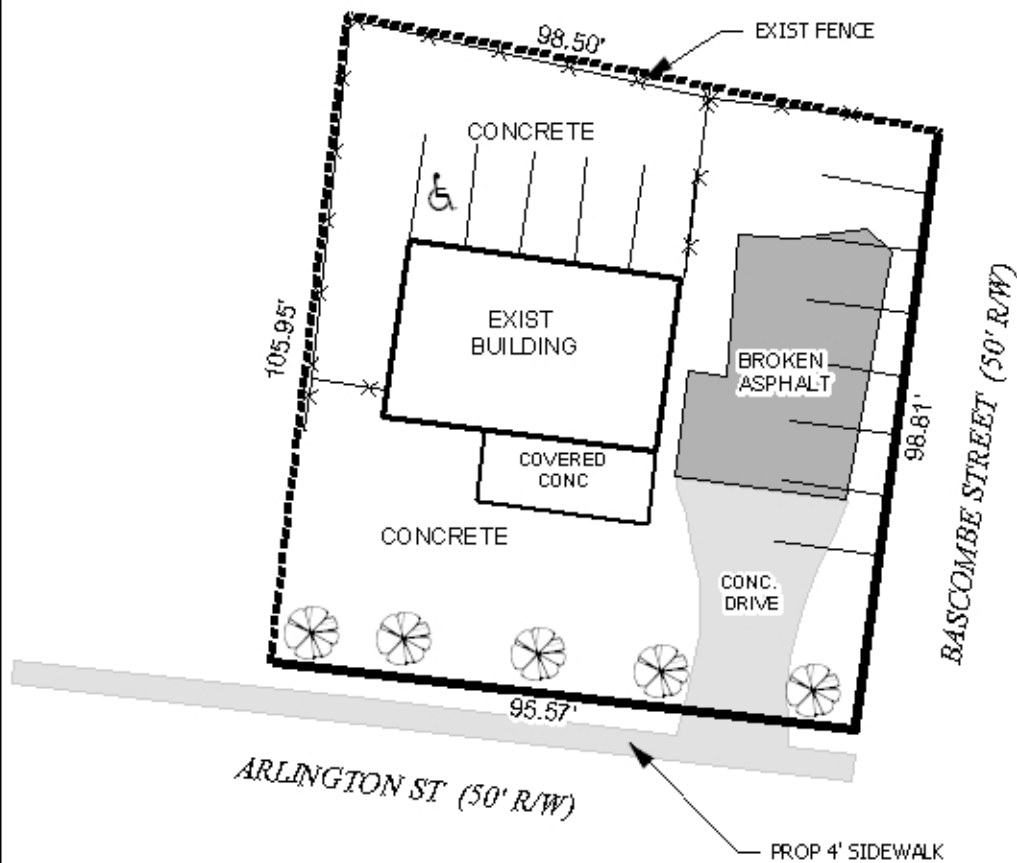
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SITE PLAN



The site plan illustrates existing buildings, parking, concrete, existing fence, and proposed sidewalk.

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