

APPLICATION NUMBER

5448

A REQUEST FOR

**USE, ACCESS, PARKING/MANEUVERING, AND
LANDSCAPING/TREE PLANTING VARIANCES TO ALLOW A
FOUR-UNIT APARTMENT HOUSE WITH A 7' WIDE DRIVE,
UNDESIGNATED PARKING/MANEUVERING AREA, AND NO
LANDSCAPING OR TREE PLANTINGS IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; MULTI-FAMILY
DWELLINGS ARE NOT ALLOWED IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT, A 24' WIDE DRIVE AND A
DESIGNATED PARKING/MANEUVERING AREA IS REQUIRED,
AND THREE FRONTAGE TREES AND FRONTAGE
LANDSCAPING ARE REQUIRED FOR R-3 USE.**

LOCATED AT

109 BRADFORD AVENUE

(East side of Bradford Avenue, 300'± North of Government Street)

APPLICANT/OWNER

GOLDEN GATE PROPERTIES, LLC

AGENT

TUAN TITLESTAD

BOARD OF ZONING ADJUSTMENT

DECEMBER 2007

The applicant is requesting Use, Access, Parking/Maneuvering, and Landscaping/Tree Planting Variances to allow a four-unit apartment house with a 7' wide drive, undesignated parking/maneuvering area, and no landscaping or tree plantings in an R-1, Single-Family Residential District; Multi-Family dwellings are not allowed in an R-1, Single-Family Residential District, a 24' wide drive and a designated parking/maneuvering area is required, and three frontage trees and frontage landscaping are required for R-3 use.

The applicant purchased the subject property in December 2006 and plans to use it as an apartment house. He states that the subject property is a two-story, four-unit apartment building which has been vacant for more than two years, thereby requiring a variance to be re-used as such.

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. Land use surveys indicate apartment use for the property, and floor plans furnished with the application clearly indicate a four-unit apartment layout. Re-use of the property as such would be consistent with its originally-intended use and interior layout.

With regard to the Access and Parking/Maneuvering Variance requests, the site does not contain enough area to allow compliance with the current standards; however, the parking area should be paved and as many designated parking spaces as practicable should be provided.

With regard to the Landscaping/Tree Planting Variance requests, the site does provide sufficient frontage area for compliance and this should be required.

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 has illustrated that a hardship exists with regard to the Use, Access, and Parking/Maneuvering Variance requests, and these should be considered for approval, but with the modification to require the parking area to be paved with as many designated parking spaces as practicable to be provided. The site contains sufficient area for frontage Landscaping/Tree Planting compliance; therefore, these variance requests should be considered for denial.

RECOMMENDATION 5448**Date: December 3, 2007**

Based on the preceding, the Use, Access, and Parking/Maneuvering Variance requests are recommended for approval but modified subject to the following condition: 1) the parking area to be paved and striped to accommodate as many parking spaces as practicable, with the plan to be approved by the Planning staff and Traffic Engineering.

The Landscaping/Tree Planting Variance request is recommended for denial.

LOCATOR MAP



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APPLICANT Golden Gate Properties

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



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Retail and offices are located to the south of the site, single family residential units are to the north, and apartments are to the west.

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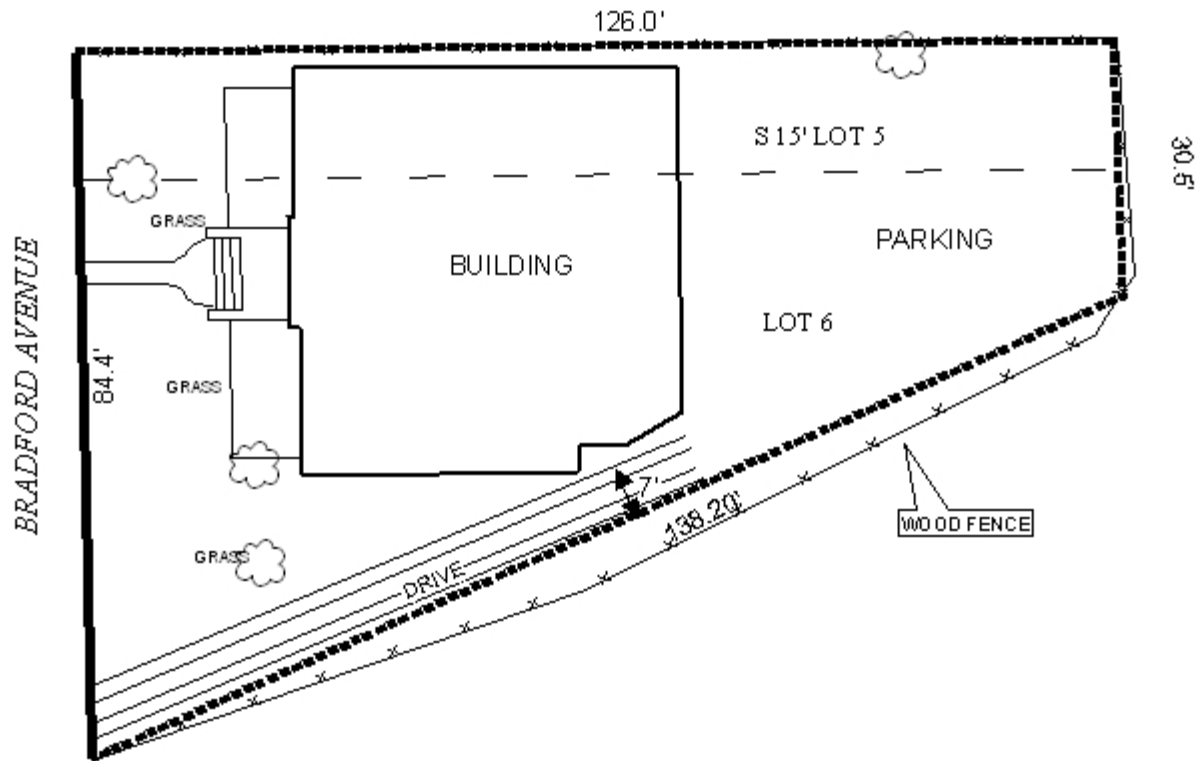
APPLICANT Golden Gate Properties

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LEGEND

R-1	R-2	R-3	R-4	R-5	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



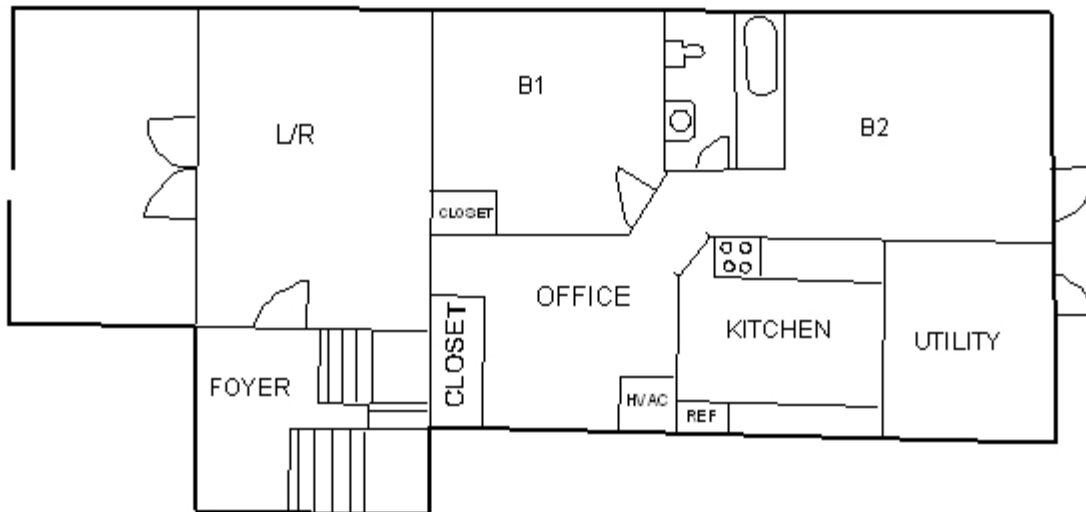
The site plan illustrates the existing building, proposed parking, and landscaping, and existing fence.

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FLOOR PLAN DETAIL



FLOOR PLAN UNIT #1
ALL UNITS ARE A MIRROR IMAGE

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