

APPLICATION NUMBER

5401/4974/4834

A REQUEST FOR

**USE AND PARKING VARIANCES TO ALLOW A BEAUTY
SUPPLY SHOP, AND TO ALLOW PARKING AND
ACCESS/MANEUVERING IN THE PUBLIC RIGHT-OF-
WAY IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; THE ZONING ORDINANCE REQUIRES A
MINIMUM B-2, NEIGHBORHOOD BUSINESS FOR A
BEAUTY SUPPLY SHOP, AND THAT PARKING AND
ACCESS/MANEUVERING AREAS BE ON SITE.**

LOCATED AT

1313 SOUTH ANN STREET

(Northeast corner of Arlington Street and South Ann Street)

APPLICANT/AGENT

CELINA SEGURA

OWNER

ALI K. MOHAMMAD

BOARD OF ZONING ADJUSTMENT

JANUARY 2007

The applicant is requesting Use and Parking Variances to allow a beauty supply shop, and to allow parking and access/maneuvering in the public right-of-way in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum B-2, Neighborhood Business for a beauty supply shop, and that parking and access/maneuvering areas be on site.

The property has multiple tenant spaces; however, when a tenant space has been vacant for more than two years, nonconforming status is lost. The subject unit was granted use and parking variances in February, 1999, for a beauty salon with access/maneuvering in the public right-of-way, and now the applicant wishes to operate a beauty supply shop which requires a new variance. As illustrated on the site plan, the only parking available would be parallel parking with all access and maneuvering in the right-of-way. Furthermore, there is an inadequate amount of parking for the approximately 6,100 square feet of building. The subject unit contains approximately 1,080 square feet.

In addition to the 1999 variance granted for the subject unit, a similar variance for a general merchandise store was granted for the street corner unit in October, 2000. Both variances were subject to the following conditions: (1) full compliance with the landscaping and tree requirements of the Ordinance; location, number and percentages subject to the approval of the Urban Forester and the Land Use Administration staff; and (2) that a sign be posted which states parallel parking only, to prohibit cars from backing into the right-of-way.

Based upon the commercial nature of the structure, the fact the property was previously utilized commercially, and the previous variances that were granted, it appears the site would fit the criteria for the granting of these variances.

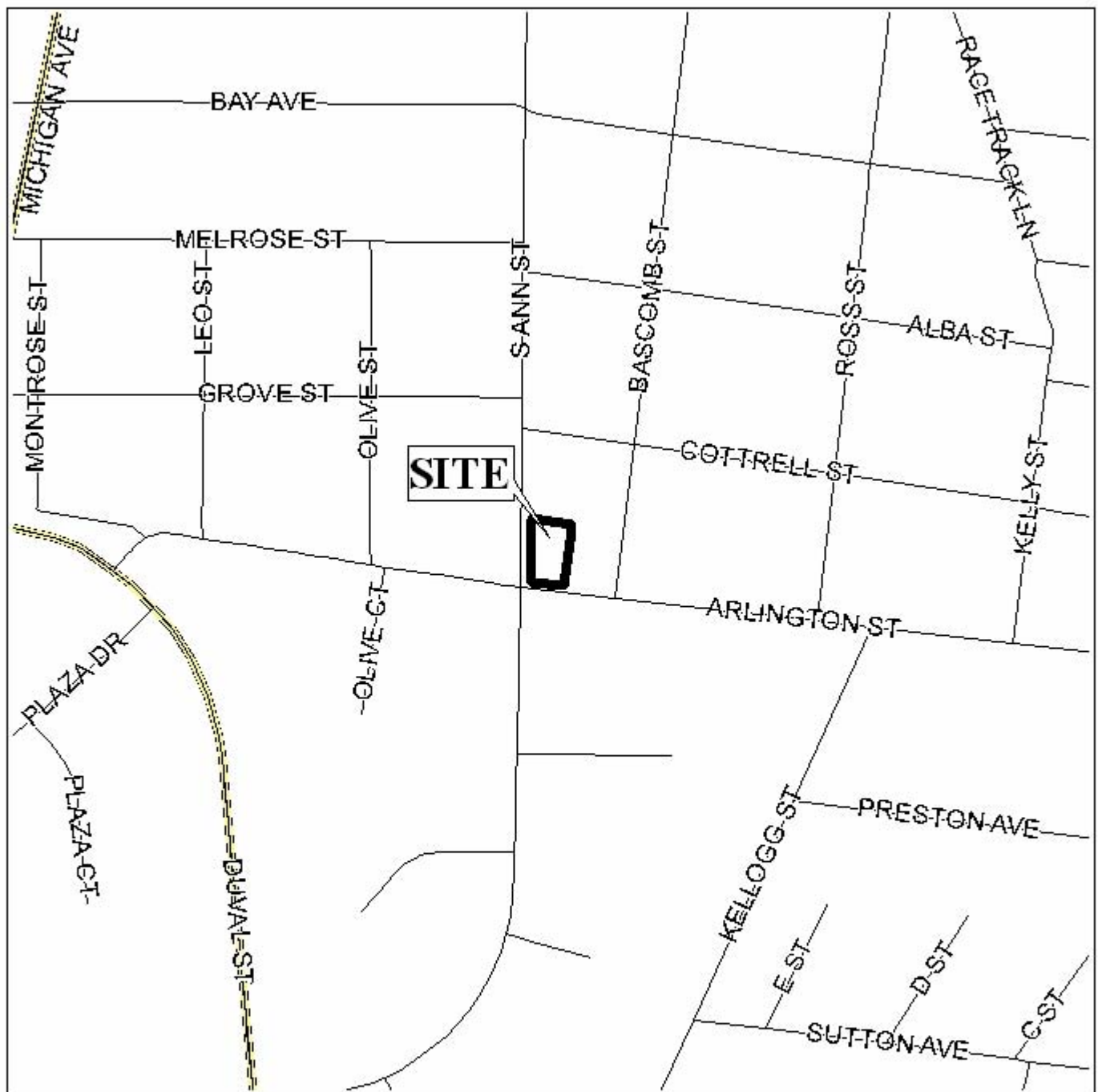
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

RECOMMENDATION 5401/4974/4834**Date: January 8, 2007**

Based upon the preceding, this application is recommended for approval subject to the following conditions: (1) full compliance with the landscaping and tree planting requirements of the Ordinance; location, number and percentages subject to the approval of the Urban Forester and the Planning staff; and (2) that a sign be posted which states parallel parking only, to prohibit cars from backing into the right-of-way.

LOCATOR MAP



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APPLICANT Celina Segura
REQUEST Use, Parking Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north, east, and west of the site. Multi-family residential units are located to the south of the site. Commercial sites are located to the east and west of the site.

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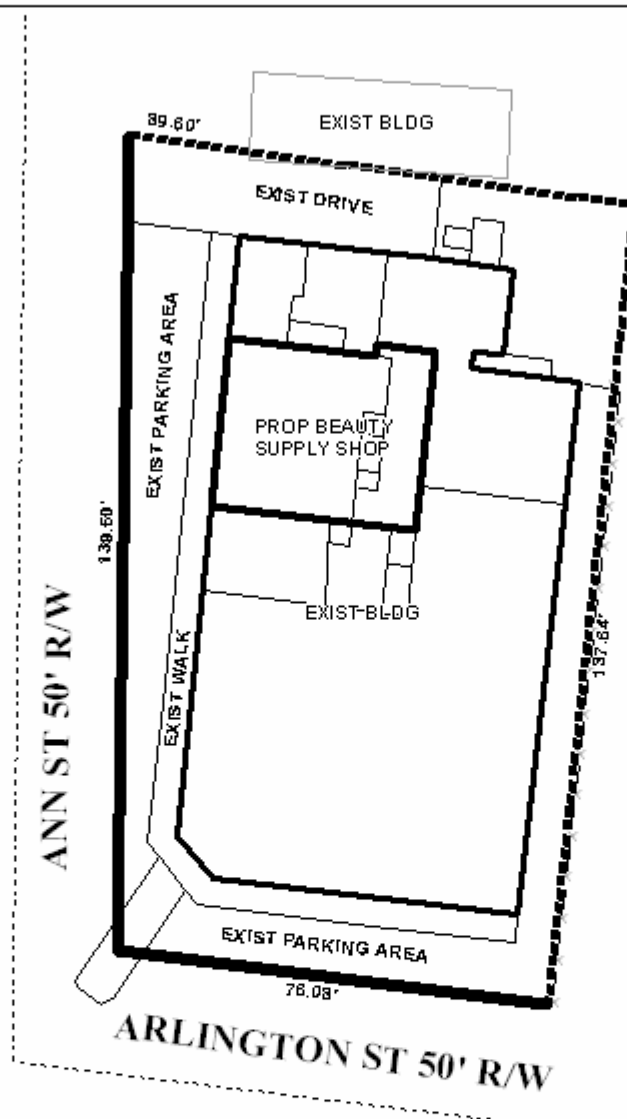
LEGEND

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



The site plan illustrates the existing building and parking

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