

APPLICATION NUMBER

5394

A REQUEST FOR

**PARKING AND ACCESS/MANEUVERING SURFACE
VARIANCES TO ALLOW AGGREGATE PARKING AND
ACCESS/MANEUVERING AREAS IN A B-3, COMMUNITY
BUSINESS DISTRICT; PARKING AND
ACCESS/MANEUVERING AREAS MUST BE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE
PAVING SURFACE IN B-3, COMMUNITY BUSINESS
DISTRICTS.**

LOCATED AT

1607 EAST I-65 SERVICE ROAD SOUTH

(East side of East I-65 Service Road South, 950'± North of I-65 Commerce Drive)

APPLICANT/OWNER

GRANT HARKNESS

AGENT

FRANK A. DAGLEY & ASSOCIATES, INC.

BOARD OF ZONING ADJUSTMENT

JANUARY 2007

The applicant is requesting Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in a B-3, Community Business District; parking and access/maneuvering areas must be asphalt, concrete or an approved alternative paving surface in B-3, Community Business Districts.

The subject site has recently been developed as an equipment rental facility but final zoning inspections on the site have failed due to various types of inventory construction equipment being stored and displayed in the limestone-paved front yard, not in accordance with the approved site plan. The site plan approved for project construction did not indicate the crushed limestone area. Such area was added on site during development, and the applicant wishes to retain the limestone paving instead of paving in compliance with the Ordinance.

The applicant has not furnished information to support the reasoning for limestone parking and access/maneuvering surfacing. Inasmuch as construction equipment is displayed and stored in this area of the property, it is not used for the transfer of cargo or materials, and surface deterioration due to such activities is not an issue in this case as it has been in other surface variance requests presented to the Board.

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.

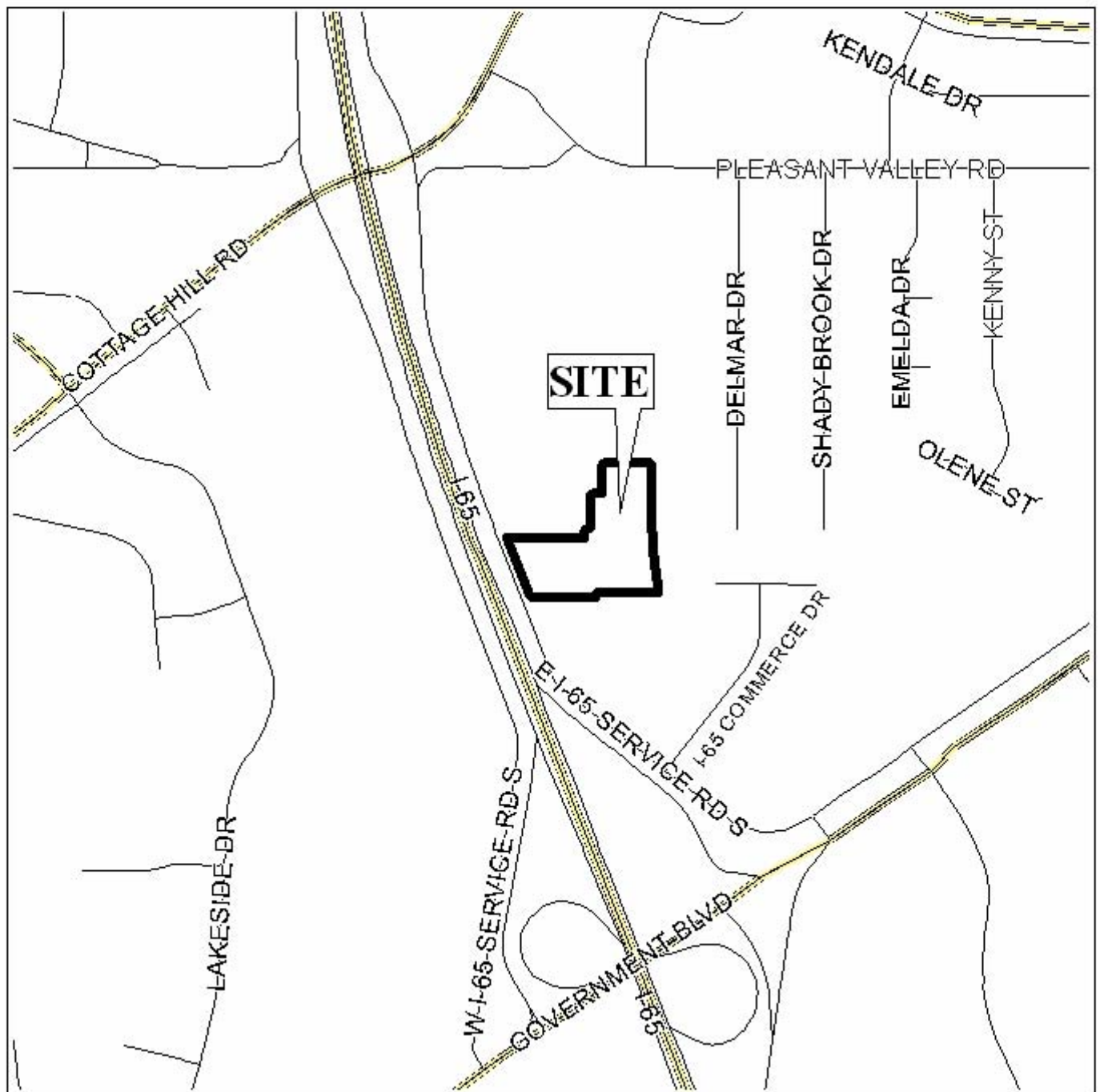
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to develop the site without complying with the parking and access/maneuvering surface requirements of the Ordinance.

RECOMMENDATION 5394**Date: January 8, 2007**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



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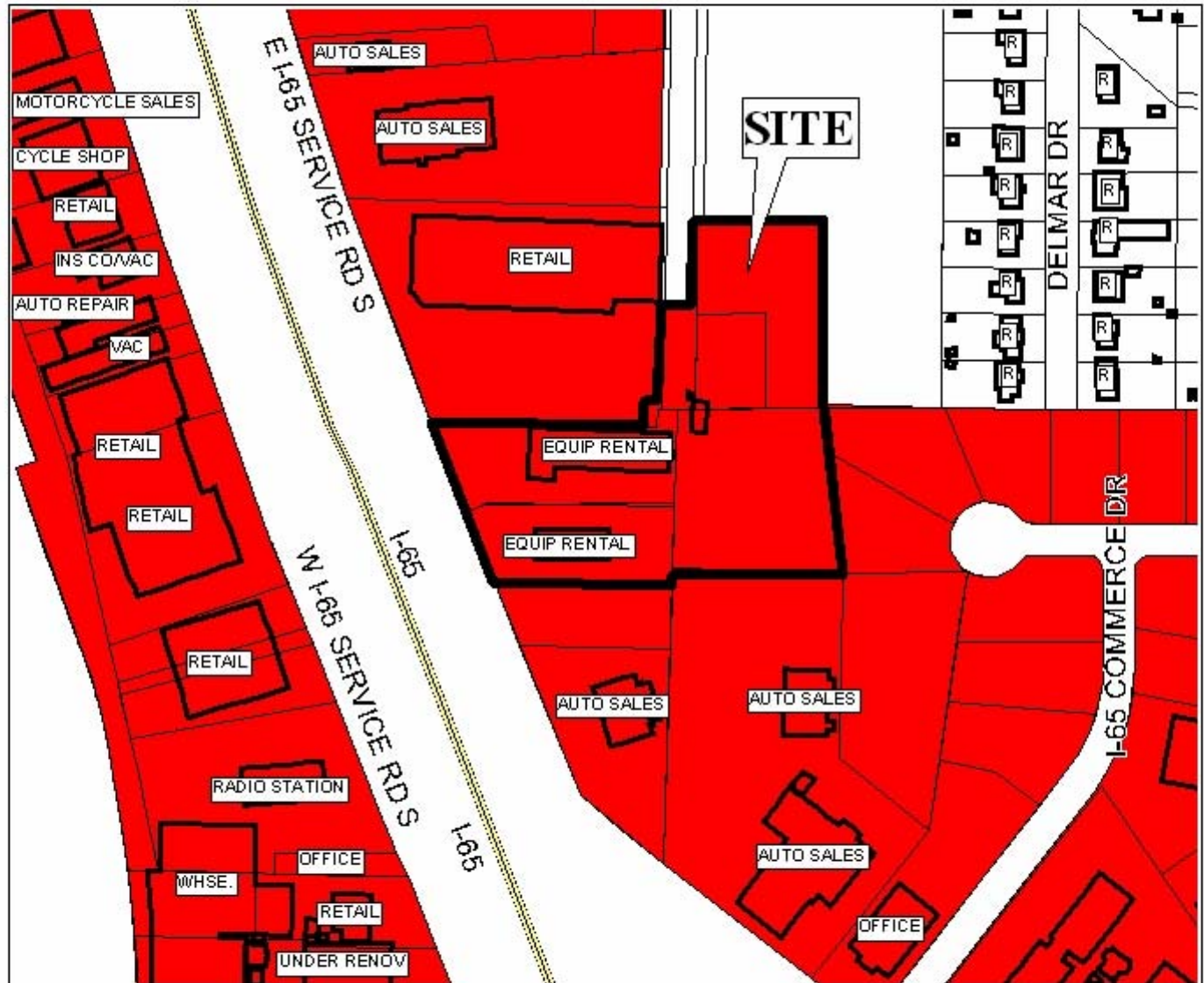
APPLICANT Grant Harkness

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed landuse.

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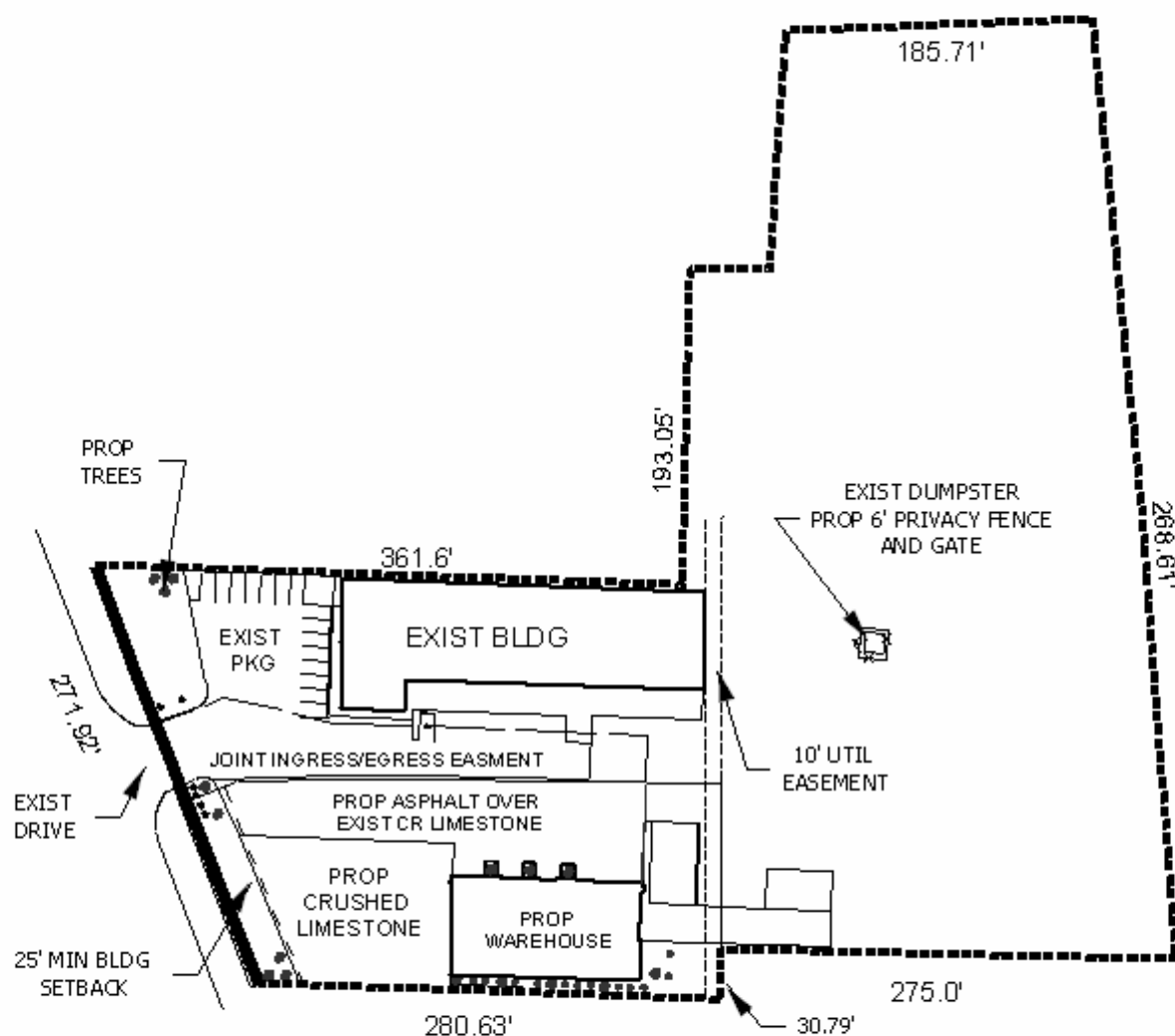
LEGEND

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 existing buildings, parking and proposed parking.

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