

APPLICATION NUMBER

5109

A REQUEST FOR

**USE, LANDSCAPING AND PARKING VARIANCES TO
ALLOW A STONE CUTTING, SHAPING AND FINISHING
COMPANY WITH 960 SQUARE FEET OF FRONT AND
TOTAL LANDSCAPING, AND 10 PARKING SPACES IN A
B-3, COMMUNITY BUSINESS DISTRICT; A MINIMUM
OF AN I-1, LIGHT INDUSTRIAL DISTRICT; 2,2238
SQUARE FEET OF FRONT LANDSCAPING AND 3,729
SQUARE FEET OF TOTAL LANDSCAPING; AND 12
PARKING SPACES ARE REQUIRED.**

LOCATED AT

3347 HALLS MILL ROAD

(East side of Halls Mill Service Road (Private Road), 230' ± South of Halls Mill Road)

APPLICANT

ERATO REALTY CORPORATION

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

APRIL/2002

The applicant is requesting Use, Landscaping and Parking Variances to allow a stone cutting, shaping and finishing company with 960 square feet of front and total landscaping, and 10 parking spaces in a B-3, Community Business District; a minimum of an I-1, Light Industrial District; 2,238 square feet of front landscaping and 3,729 square feet of total landscaping, and 12 parking spaces are required.

The applicant states that the proposed use would be for the sale and distribution of granite counter tops. The granite counter tops would be cut and polished at this location, and that all of the activities would take place inside the building thus not generating excessive noise and odor. The business operating hours would be Monday through Friday, 8:00 AM to 5:00 PM and will have six employees and probably up to five customers per day.

The applicant states that there is not a problem using the property with its current zoning. The problem is that they can not find a suitable building to locate in that is zoned I-1.

The above statement indicates that there is not a hardship associated with the property. The Zoning Ordinance clearly states that a variance shall not be granted based upon economics. It should be noted that all of the current uses of the surrounding property are in compliance with its B-3 zoning.

Also, it appears that the property was deeded off without the necessary subdivision approval by the Planning Commission, as shown on the boundary survey. In addition, as this property and other properties have access to an easement for ingress/egress, a Planned Unit Development application would be required for the shared access with the adjacent developments.

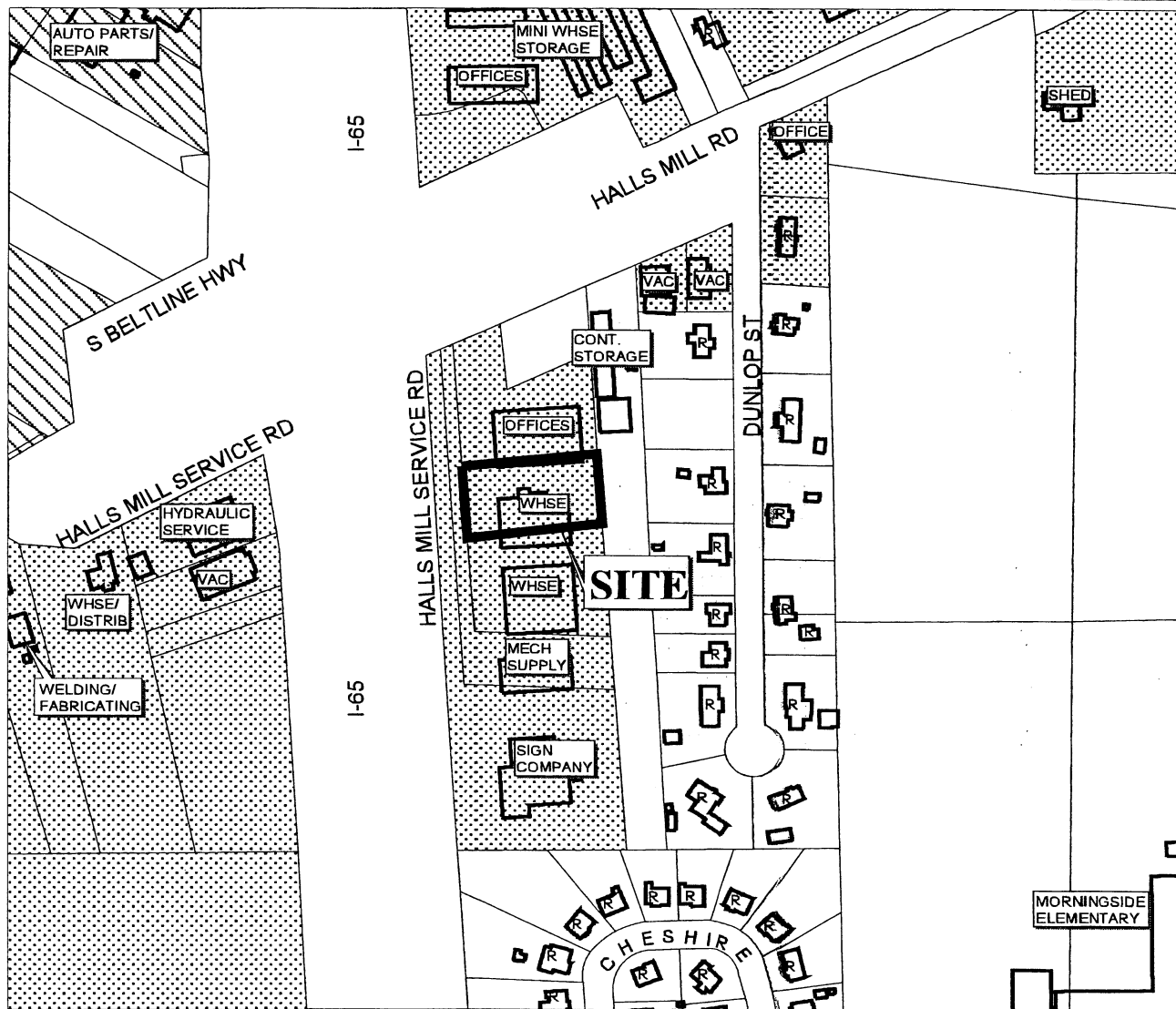
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

RECOMMENDATION 5109

Date: April 1, 2002

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

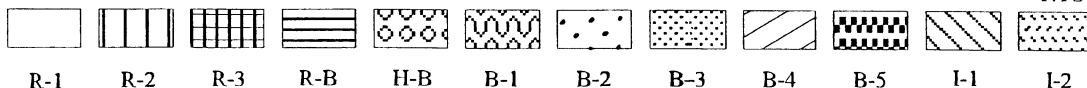
BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



To the east of the site are single family residential dwellings. General offices and warehouse/distribution sites are located to the north, west and south.

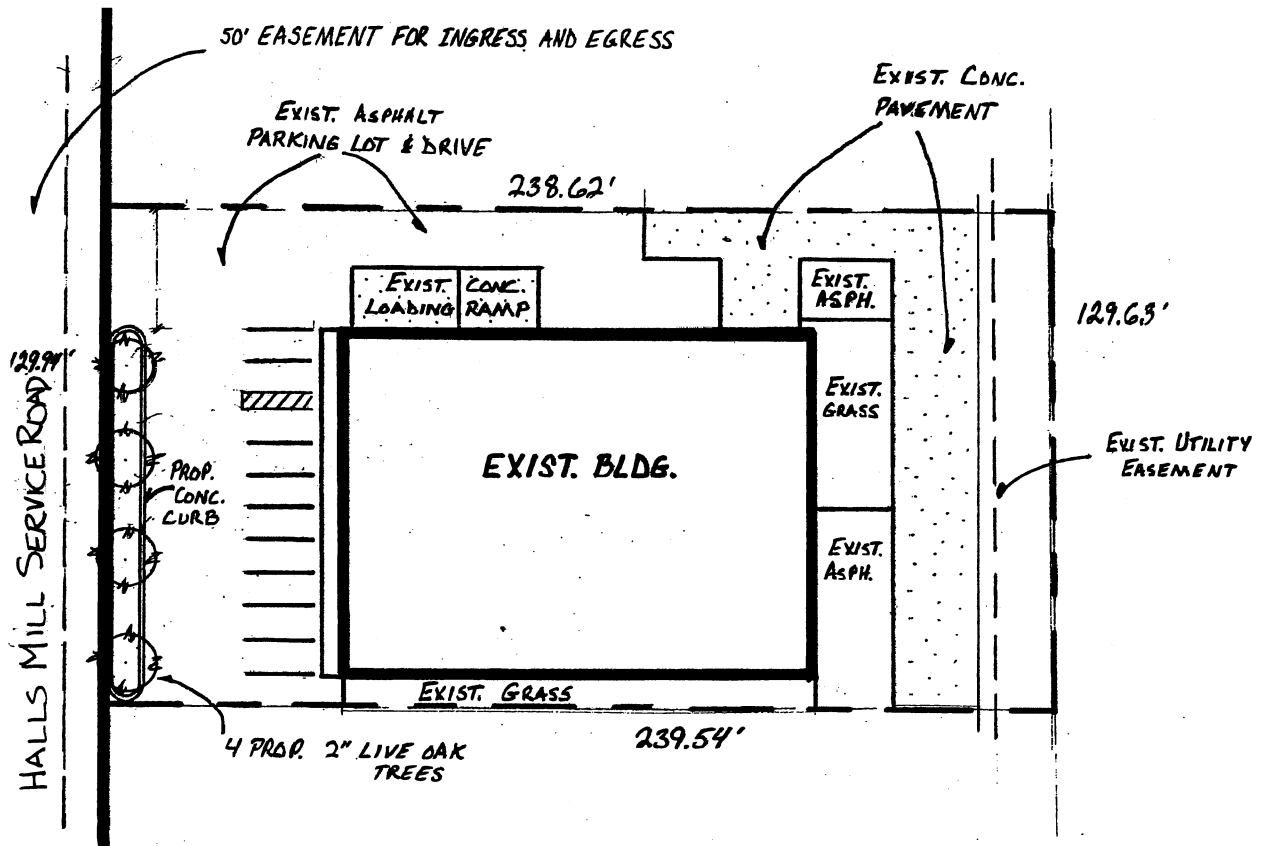
APPLICATION NUMBER 5109 DATE April 1, 2002
 APPLICANT Erato Realty Corporation
 REQUEST Variance for use, landscaping and parking.

LEGEND



NTS

SITE PLAN



The site is located on the east side of Halls Mill Service Road (Private Road), 230' South of Halls Mill Road. The plan illustrates the existing building and parking.

APPLICATION NUMBER 5109 DATE April 1, 2002
 APPLICANT Erato Realty Company
 USE/REQUEST Variance for use, landscaping and parking.

