

# **HOLDOVER**

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

## **ANALYSIS APPLICATION 5109**

**Date: April 1, 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.

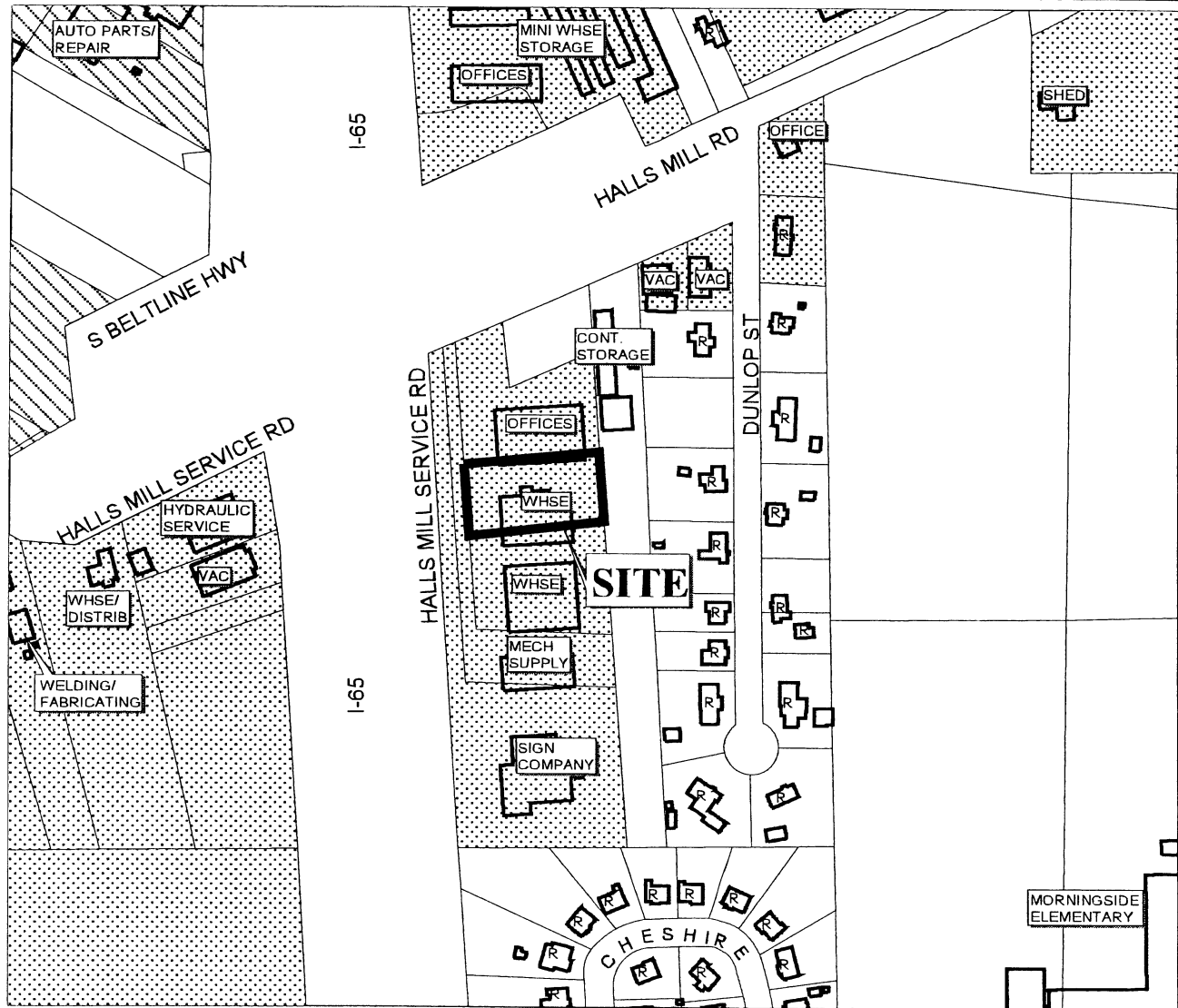
*The applicant has submitted a letter stating that OSHA does not regulate the noise generated by the granite cutting saws because the saws produced less than 85 decibels. The applicant feels that this does not create excessive noise, as all of the work will be conducted indoors.*

*In addition the applicant states that through his research, it appears that the site in question was deeded off in 1985 after the site was granted subdivision approval as a three lot subdivision in 1977. The applicant states that they are prepared to follow up with the current owners of all five buildings to file the appropriate subdivision and PUD applications to the Planning Commission.*

**RECOMMENDATION 5109****Date: April 1, 2002**

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

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



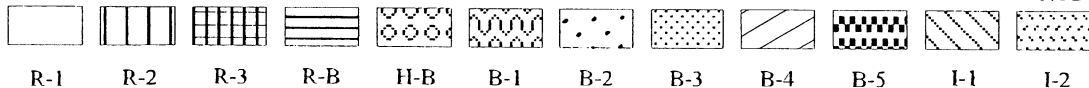
To the east of the site are single family residential dwellings. General offices and warehouse/distribution sites are located to the north, west and south.

APPLICATION NUMBER Holdover DATE May 6, 2002

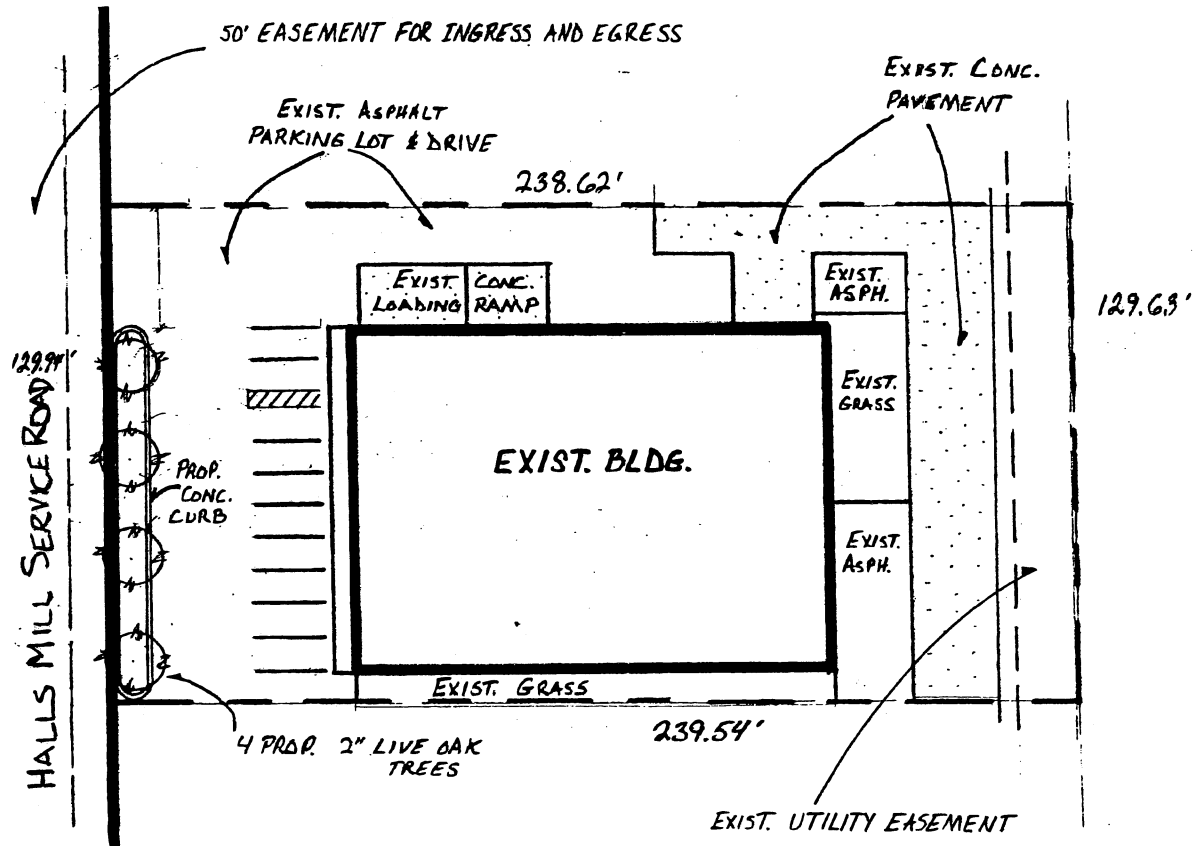
APPLICANT Erato Realty Corporation

REQUEST Variance for use, landscaping and parking.

LEGEND



# 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 Holdover DATE May 6, 2002  
 APPLICANT Erato Realty Company  
 USE/REQUEST Variance for use, landscaping and parking.



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