

APPLICATION NUMBER

5139

A REQUEST FOR

**USE AND SUBSTANDARD ACCESS VARIANCES TO
ALLOW A PROFESSIONAL OFFICE WITH A 12-FOOT
WIDE DRIVEWAY; PROFESSIONAL OFFICES REQUIRE
A MINIMUM ZONING OF B-1, BUFFER BUSINESS AND A
24-FOOT WIDE DRIVEWAY.**

LOCATED AT

411 HILLCREST ROAD

(East side of Hillcrest Road, 200' ± South of McKenna Drive)

APPLICANT

MS. ROSE ELLIS

BOARD OF ZONING ADJUSTMENT

OCTOBER 2002

The applicant is requesting Use and Substandard Access Variances to allow a professional office with a 12-foot wide driveway; professional offices require a minimum zoning of B-1, Buffer Business and a 24-foot wide driveway.

The applicant states that the site is occupied by a vacant residential structure with the only change to the site being able to provide adequate parking.

A variance is requested due to the property being zoned R-1, Single-Family Residential. The applicant states that under the definition of home occupation the proposed use is not allowed because of a part time employee that would be employed from January through March. In addition, the applicant states there are a number of non-conforming businesses along Hillcrest Road.

The applicant is correct that an outside employee would not be allowed under a home occupation clearance; however, the applicant has not stated if this will be her primary residence. A home occupation requires that only the people who live at the residence may work at the residence. Regarding nonconforming uses, the Vicinity Map does not illustrate any non-conforming businesses in the area.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to operate an accountant's office in a residential district.

RECOMMENDATION 5139

Date: October 7, 2002

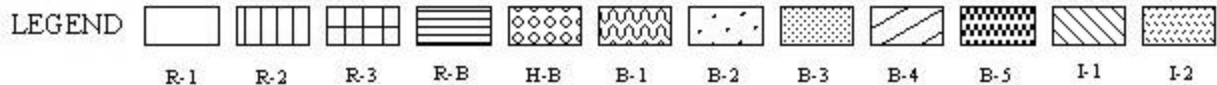
Based upon the preceding, this application is recommended for denial.

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

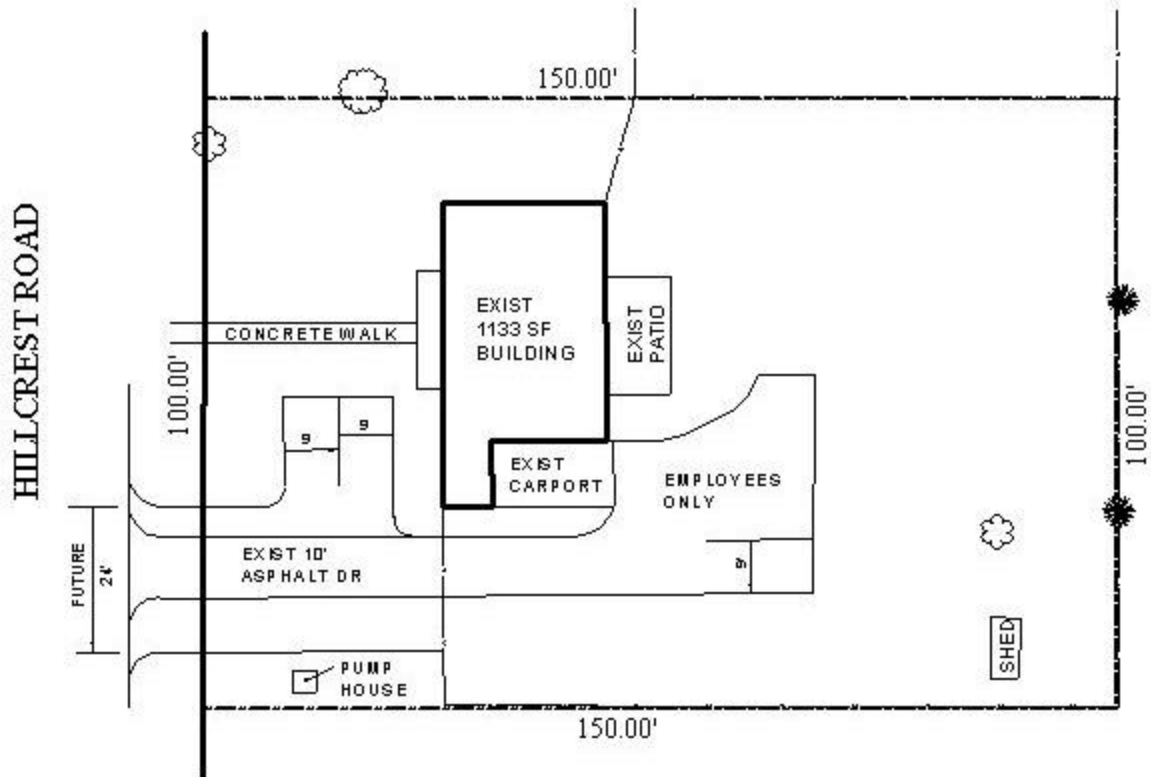


Located to the West, North, and East of the site are single family residential dwellings; to the South are various commercial uses.

APPLICATION NUMBER 5139 DATE October 7, 2002
 APPLICANT Rose Ellis
 REQUEST Use and Substandard Access Variances



SITE PLAN



The site is located on the East side of Hillcrest Road, 200' South of McKenna Drive. The plan illustrates the existing structure and drive.

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USE/REQUEST Use and Substandard Access Variances



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