

APPLICATION NUMBER

5223

A REQUEST FOR

**USE AND SUBSTANDARD MANEUVERING VARIANCES
TO ALLOW A CONVENIENCE STORE WITH A 20'
MANEUVERING AREA IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF A B-2, NEIGHBORHOOD
BUSINESS DISTRICT AND A 24' WIDE AREA FOR
MANEUVERING**

LOCATED AT

2166 WAGNER STREET

(Northeast corner of Wagner Street and Summerville Street)

APPLICANT

DELRICK PETTWAY

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2004

The applicant is requesting Use and Substandard Maneuvering Variances to allow a convenience store with a 20' maneuvering area in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District and a 24' wide area for maneuvering.

The applicant states that the property was used as a convenience store for the past 15 years. The applicant states that the hours of operation will be from 6:00 AM to 12:00 PM, with three employees, and an expected number of customers approximately 10 per hour. The store would be selling everyday needs, household supplies, and cosmetics. In addition, the applicant states that the re-opening of the convenience store would be an improvement for the community. The property has been vacant since 1999.

While the site maintained a legal non-conforming B-2 use until 1999, non-conforming status expires two years after business ceases operation. While the structure does not lend itself to residential use, there are factors to consider. A grocery store is a moderate traffic generator and the surrounding properties are zoned residentially and used as such (except the YWCA). Another concern is the proposed hours of operation; seven days a week from 6:00 AM to 12:00 PM. These hours correspond to the times when most people are at home; thus negative impacts associated with the use could directly affect the surrounding neighbors.

In addition; as the site consists of two separate lots, the lot to the East could be used for single-family dwelling unit. As illustrated on the site plan, there is ample room the to provide a parking layout that comply with the Ordinance requirements.

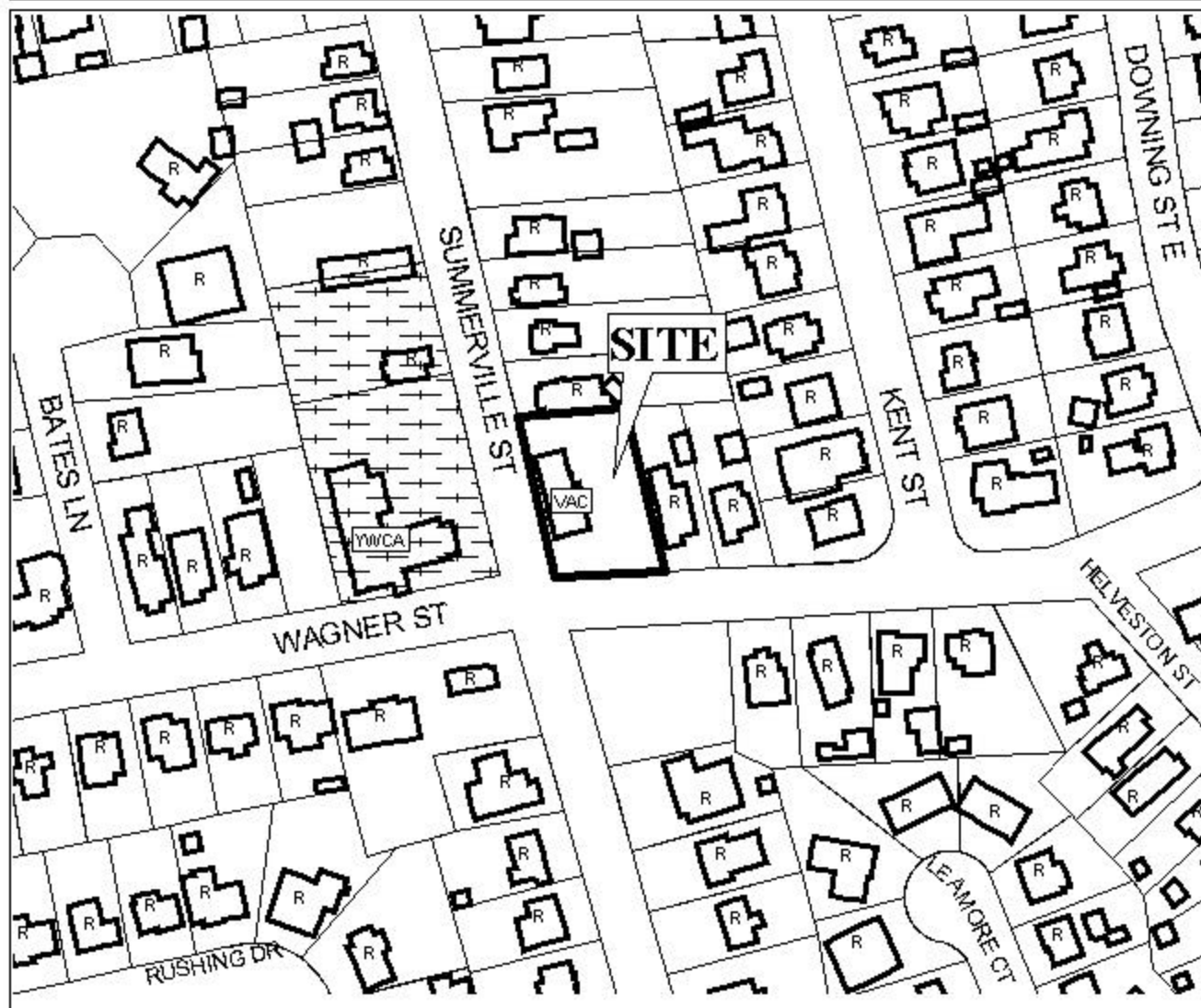
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to operate a convenience store in an R-1, Single-Family Residential District.

RECOMMENDATION 5223**Date: February 2, 2004**

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.
A recreational facility is located to the west of the site.

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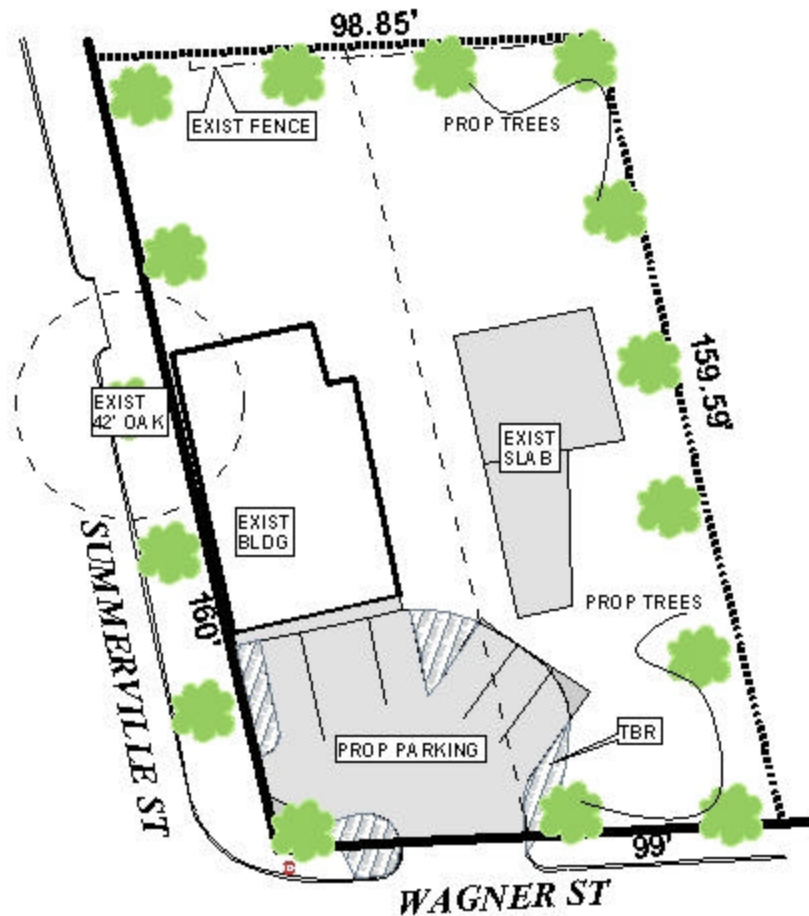
APPLICANT Delrick Pettway

REQUEST Use, Substandard Maneuvering Variance

LEGEND



SITE PLAN



The site plan illustrates the existing buildings, concrete, and landscaping along with the proposed parking spaces and proposed landscaping.

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NTS

