

APPLICATION NUMBER

5258

A REQUEST FOR

**USE VARIANCE TO ALLOW OFF-SITE PARKING IN A
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT;
COMMERCIAL PARKING LOTS ARE ALLOWED BY
RIGHT IN A B-1, BUFFER-BUSINESS DISTRICT.**

LOCATED AT

(North side of Old Shell Road, 550'± East of Pine Street)

APPLICANT/OWNER

SPRINGHILL PROPERTIES, LLC

AGENT

MIKE WARD

BOARD OF ZONING ADJUSTMENT

September 2004

The applicant is requesting a use variance to allow parking in an R-1, Single-Family Residential district.

The site has been the subject of several applications, including a previous use variance application, a subdivision application and an administrative appeal. The prior use variance application was similar to the current request—requesting to use the same three residential lots as a parking facility for the adjacent business to the North. That application was denied.

The subdivision application as originally submitted proposed to consolidate these three residential lots with the commercial lot to the North. The Planning Commission modified the plat and approved four lots—three residential lots along Old Shell Road, and one commercial lot on Springhill Avenue. It should be noted that at the Planning Commission meeting, the applicant's agent inquired as to the applicant's ability to file a variance for the three residential lots. The agent was informed that maintaining the three residential lots along Old Shell Road did not preclude the owner from requesting a variance for these lots.

The administrative appeal which was heldover from the Board's August meeting is currently pending on this agenda. If this use variance is approved, the administrative appeal would be a moot issue; if the use variance is denied, the administrative appeal would still be needed to allow the applicant to continue using the driveway.

The applicant states that the additional parking is needed for employees and visitors, and that they will comply Architectural Review requirements. The applicant goes on to say that proposed special lighting and fencing was chosen with the historic character of the neighborhood in mind. The applicant states that the proposed design will enhance the safety and welfare of both employees and customers, and would beautify the neighborhood.

Variances are to be granted sparingly in only instances where an illustrated hardship is associated with the property which keeps the property from being developed in compliance with Zoning Ordinance requirements. While the applicant is willing to comply with the requirements of the Architectural Review Board, and feels that the parking lot would improve the neighborhood; none of these assertions illustrate that the three lots cannot be developed with single-family residences. Furthermore, properties to the East and West of the site are zoned and developed with single-family residences.

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

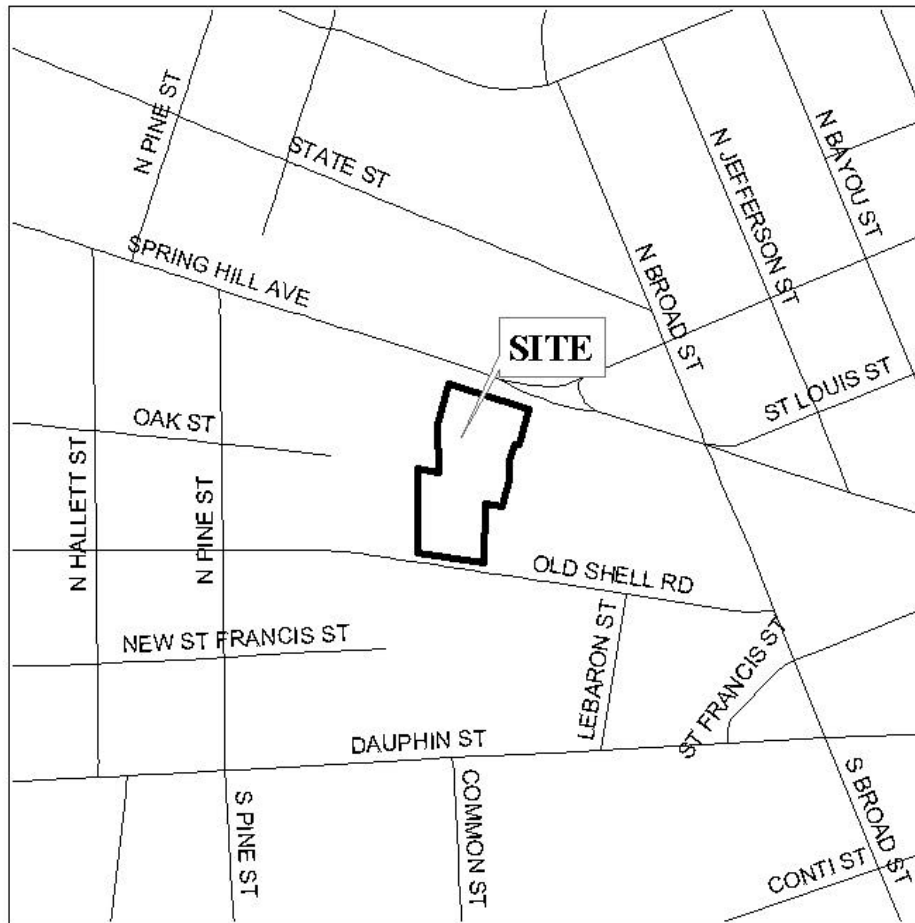
variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

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 develop the residential lots for use as a parking facility.

RECOMMENDATION 5258**Date: September 13, 2004**

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

LOCATOR MAP



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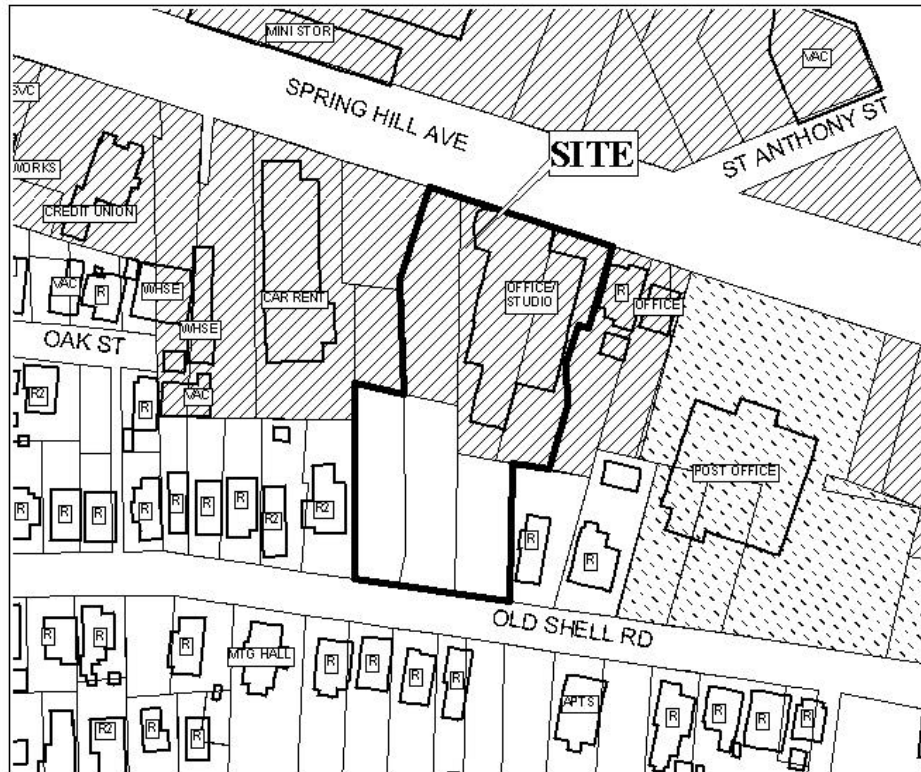
APPLICANT Springhill Properties, LLC (Mike Ward, Agent)

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the North of the site is mini storage; to the East and South are single family residential dwellings. Located to the West of the site is a multiple family residential dwelling and car rental.

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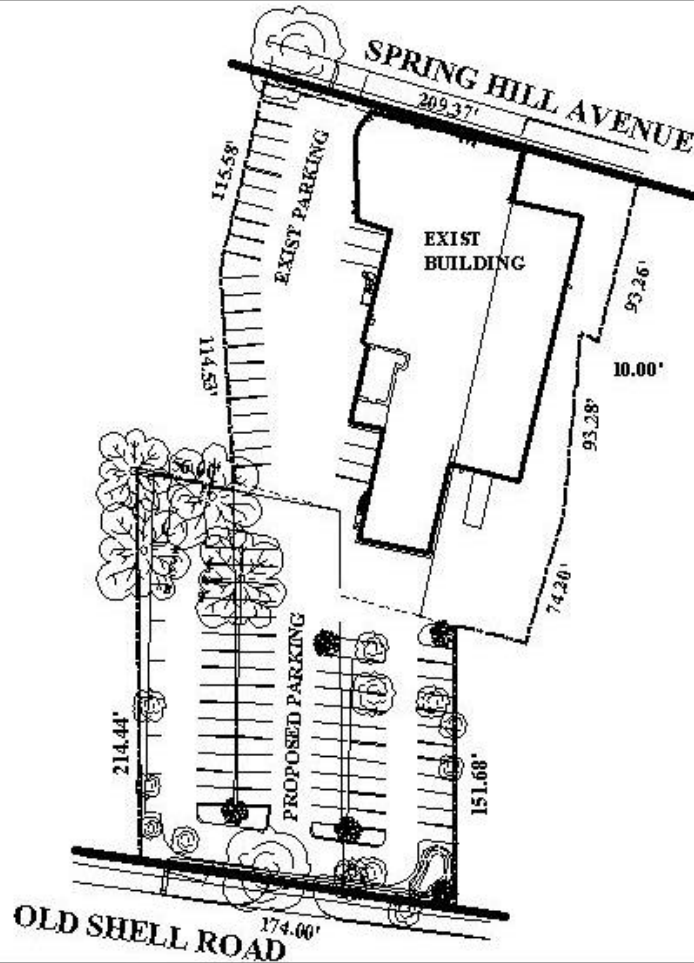
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REQUEST Use Variance

LEGEND



SITE PLAN



The site plan illustrates the existing building, parking, and landscaping along with the proposed parking area.

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 USE/REQUEST Use Variance

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