

APPLICATION NUMBER

5265

A REQUEST FOR

**USE AND ACCESS/MANEUVERING VARIANCES TO
ALLOW THREE APARTMENTS, AND A SUBSTANDARD
(9.3') WIDTH DRIVEWAY IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF R-3, MULTI-FAMILY
RESIDENTIAL FOR APARTMENTS AND A 24' WIDE
DRIVE IS REQUIRED FOR TWO-WAY ACCESS IN A R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

280 MAGNOLIA DRIVE

(South side of Magnolia Drive, 470' ± East of St. Stephens Road)

APPLICANT/OWNER

HERBERT HOLLINGS

BOARD OF ZONING ADJUSTMENT

September 2004

The applicant is requesting two variances—a use variance to allow three apartments in a R-1, Single-Family Residential district; and access/maneuvering variances to allow a substandard width curb cut and drive.

The application states that the building has been used as apartments in the past and that the owner would like to rent the three apartments again. The application also states that the variance is needed to allow three rental apartments and to allow a substandard width driveway.

Photos of the site indicate that the dwelling has multiple entrances that could have been used for apartments; however, the staff conducted a site visit of the property and only one power meter and one water meter were found.

Additional research of the property revealed that a prior use variance was filed in 1971 for a day care center and weekend recreation center for teenagers. That request was withdrawn due to neighborhood opposition. At the time of that request, the property was developed residentially, and nothing in the file illustrates that the residence consisted of more than one unit. Moreover, building permits were issued in 1998 and 2000 for repairs to a single-family residence, thus illustrating that any nonconforming status has expired.

The Zoning Ordinance relies on attrition to eliminate nonconforming uses and the surrounding properties along Magnolia Drive are established single-family residences. The applicant did not provide any information to illustrate why the property cannot be used as a single-family residence. Moreover, the need for parking ratio and access variances further illustrates that is not an appropriate site for three apartments.

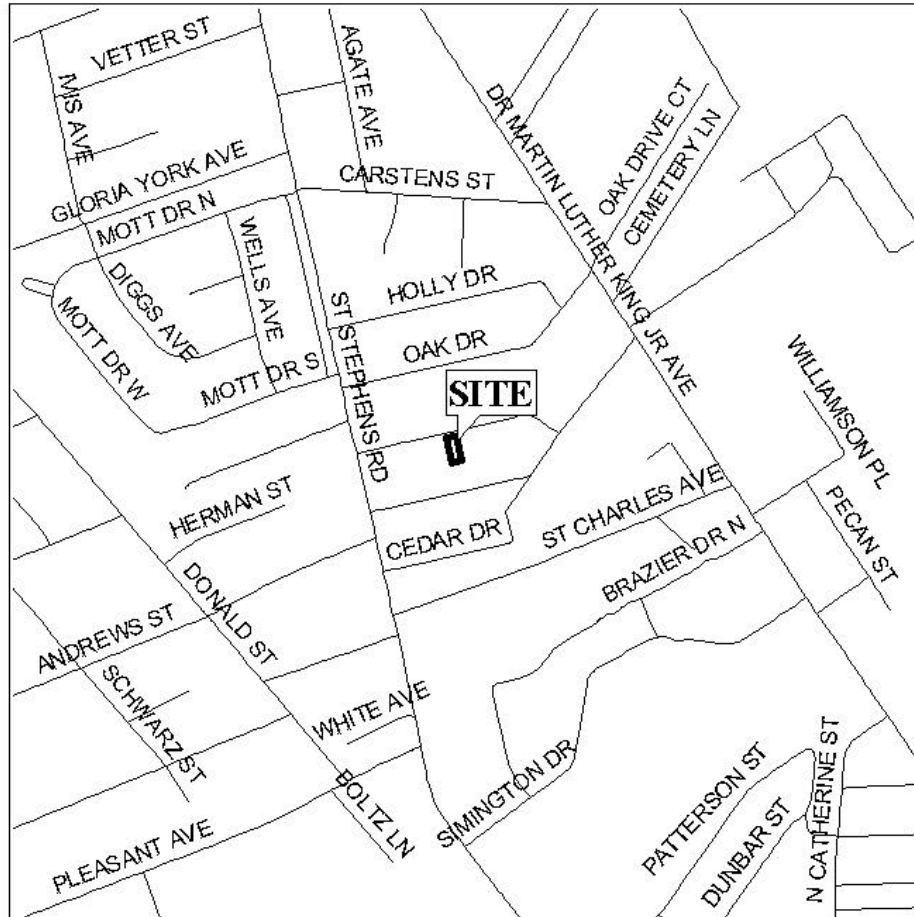
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 there is a hardship associated with the property. It is simply the applicant's desire to develop the site with three apartments and inadequate maneuvering area.

RECOMMENDATION 5265**Date: September 13, 2003**

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

LOCATOR MAP



APPLICATION NUMBER 5265 DATE September 13, 2004

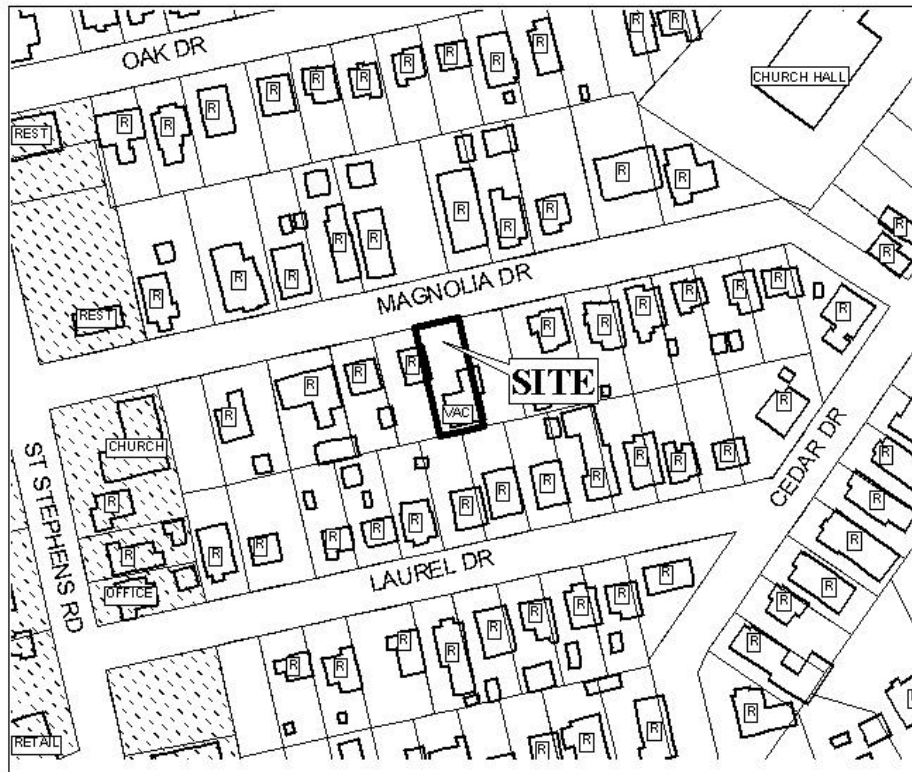
APPLICANT Herbert Hollings

REQUEST Use, Parking Ratio, Parking Surface and Access/Maneuvering Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

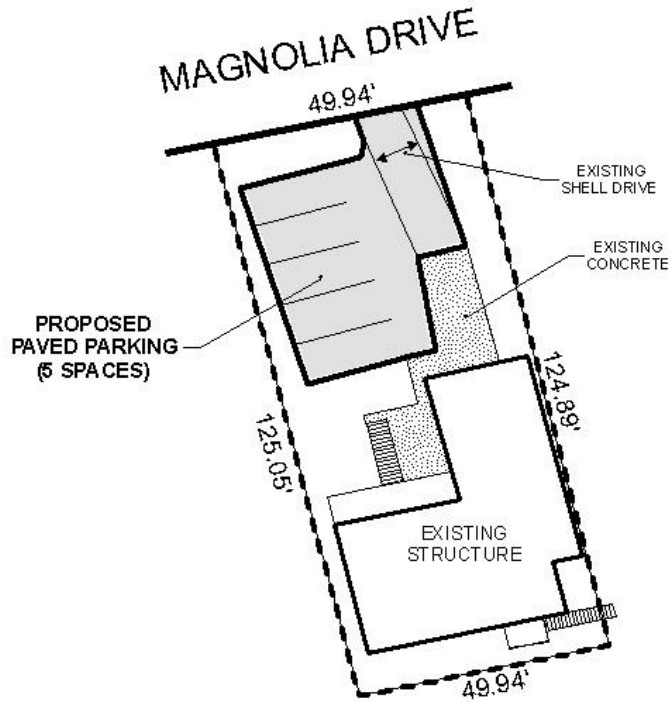
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LEGEND NTS

SITE PLAN



The site is located on the South side of Magnolia Drive, 470 East of St. Stephens Road. The plan illustrates the existing structure and proposed parking.

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