

APPLICATION NUMBER

**5289**

A REQUEST FOR

**USE VARIANCE  
TO ALLOW DRUG COUNSELING,  
INCLUDING IN-RESIDENCE SERVICES IN A  
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT;  
THE ZONING ORDINANCE REQUIRES A MINIMUM OF  
B-1, BUFFER-BUSINESS DISTRICT**

LOCATED AT

**770 & 772 SULLIVAN AVENUE**

(West side of Sullivan Avenue at the West terminus of Fairway Drive)

APPLICANT

**EMMA'S HARVEST HOME**

OWNER

**MARTIN J. CORBERT**

**BOARD OF ZONING ADJUSTMENT**

January 2005

The applicant is requesting a use variance to allow drug counseling, including in-residence services in a R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-1, Buffer-Business District.

The applicant states the site consists of two dwellings and one garage, and that all the structures are vacant. The applicant proposes to essentially maintain the existing dwellings as-is, with some minor improvements and renovations. The applicant goes on to say that the facility would house approximately 8-10 in residence patients, with another 10-15 patients served on a day-to-day basis; and while the facility will actually operate 24 hours a day, “outside” traffic will basically occur between 8 and 5. The applicant concludes by saying that the property can no longer serve as a single-family residence, and that the surrounding area along Sullivan Avenue and Fairway Drive is either zoned or used commercial.

The applicant originally applied for rezoning to B-1, Buffer-Business in August 2004. The staff recommended denial; however, the Planning Commission recommended approval subject to the following conditions: (1) widening of the driveway to 24-feet to accommodate two-way traffic; (2) full compliance with the landscaping and tree planting requirements of the Ordinance; (3) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning; (4) full compliance with all applicable building codes; and (5) full compliance with all municipal codes and ordinances. The City Council tabled the application and suggested the applicant pursue a use variance.

Although the east side of Sullivan Avenue is commercial, as illustrated on the Vicinity Map there are only two commercial uses on the west side of Sullivan Avenue—a medical office to the north which was allowed by a use variance in 1964, and an existing B-1 district with a vacant office to the south. The west side of the street is predominately residential both in terms of the zoning pattern and occupancy.

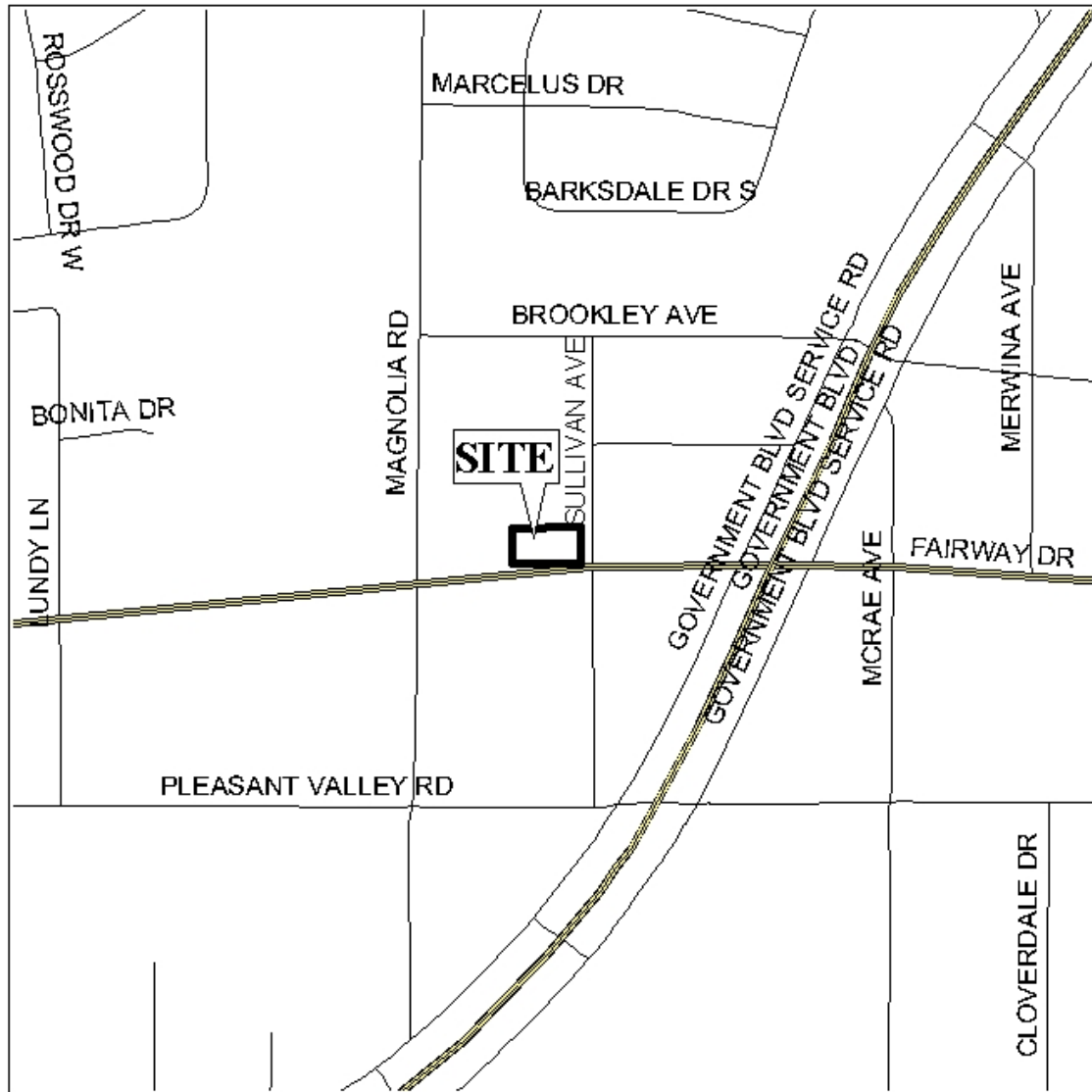
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant’s desire to have a drug counseling service at this location.

**RECOMMENDATION 5289****Date: January 10, 2005**

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

## LOCATOR MAP



APPLICATION NUMBER 5289 DATE January 10, 2005

APPLICANT Emma's Harvest Home ( Martin J. Corbert, Owner)

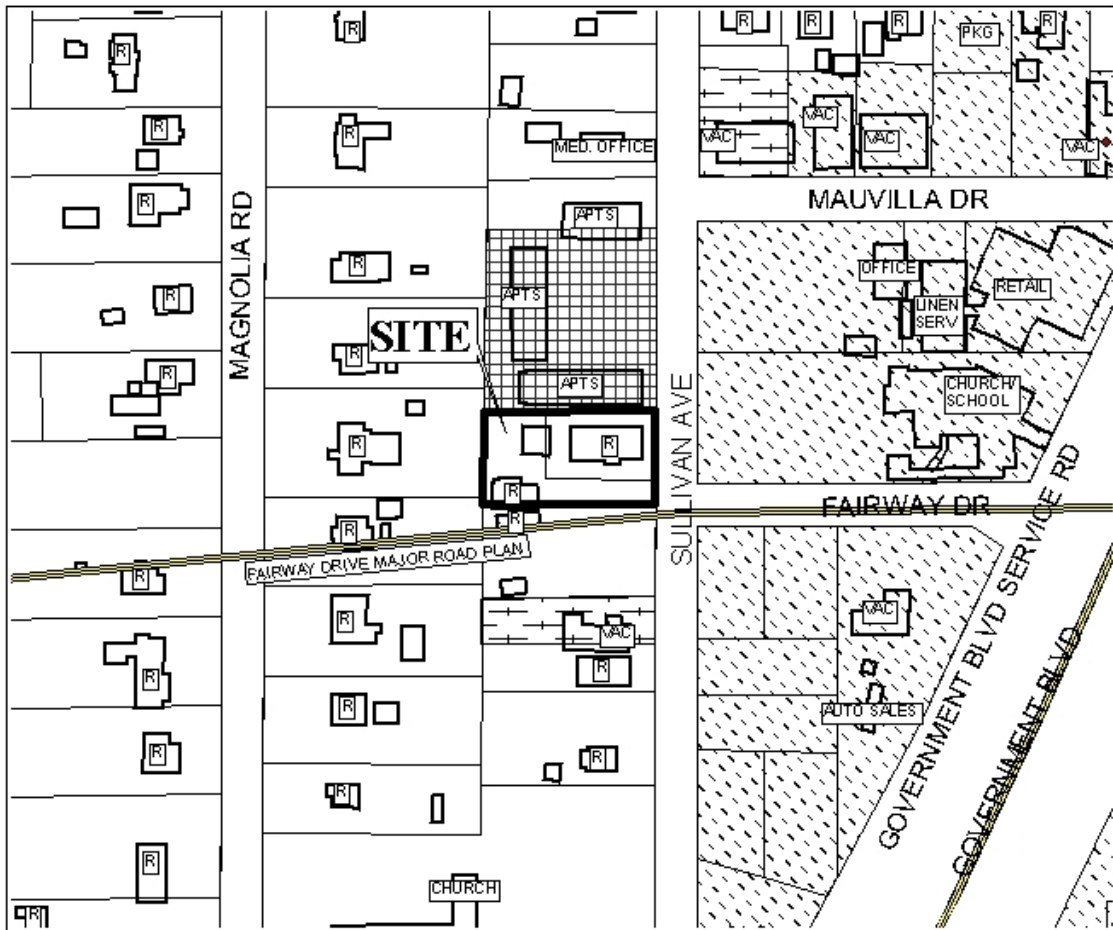
REQUEST Use Variance



NTS

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



Located to the North of the site are multiple family residential dwellings; to the East is a church. Located to the South and West of the site are single family residential dwellings.

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LEGEND



R-1



R-2



R-3



R-B



H-B



B-1



LB-2



B-2



B-3



B-4



B-5



I-1

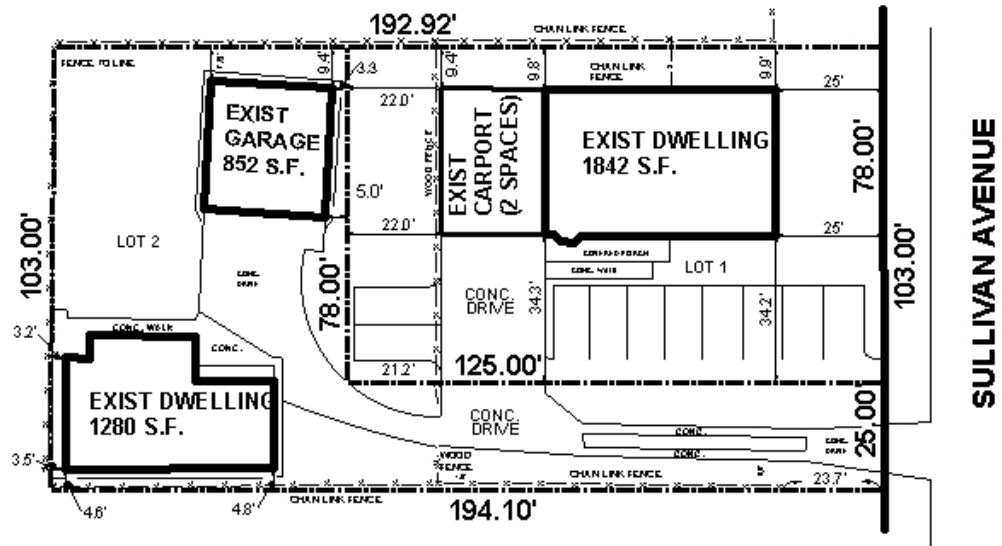


I-2



NTS

# SITE PLAN



The site is located on the West side of Sullivan Avenue at the West terminus of Fairway Drive. The plan illustrates the existing structures along with parking.

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