HOLDOVER

APPLICATION NUMBER

5268

A REQUEST FOR

PARKING AND ACCESS/MANEUVERING SURFACE VARIANCES TO ALLOW AGGREGATE PARKING AND ACCESS/MANEUVERING AREAS IN A B-3, COMMUNITY BUSINESS DISTRICT; PARKING AND ACCESS/MANEUVERING AREAS MUST BE ASPHALT, CONCRETE OR AN APPROVED ALTERNATIVE PAVING SURFACES IN B-3, COMMUNITY BUSINESS DISTRICTS

LOCATED AT

4213 HALLS MILL ROAD

(East side of Halls Mill Road, 410'± North of Alden Drive)

APPLICANT/OWNER

ROBERT S. MOORE

BOARD OF ZONING ADJUSTMENT

OCTOBER 2004

ANALYSIS APPLICATION 5268 **Date: October 4, 2004**

The applicant is requesting Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an B-3, Community Business District; parking and access/maneuvering areas must be asphalt, concrete or an approved alternative paving surfaces in B-3, Community Business Districts.

The applicant proposes to construct a 40' x 35' storage/garage with an aggregate parking and access/maneuvering area. The applicant states that a shell parking and access drive absorbs water and is less expensive than asphalt or concrete.

The applicant submitted an Administrative Planned Unit Development application in August to allow a 40' x 35' (1,400 square feet) to be used for storage and garage. The application was approved with the provision of a 10-foot paved access for vehicular access if the building is used as a garage; therefore, the approval of this variance would remove this condition.

There are several reasons aggregate is not an approved surface, the possibility of the aggregate to shift onto the right-of-way and adjacent properties, access is not readily delineated and without the appropriate compaction of the subsurface materials, benefits toward impeding run-off will not be achieved.

The 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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application, and as stated above, not based upon economics.

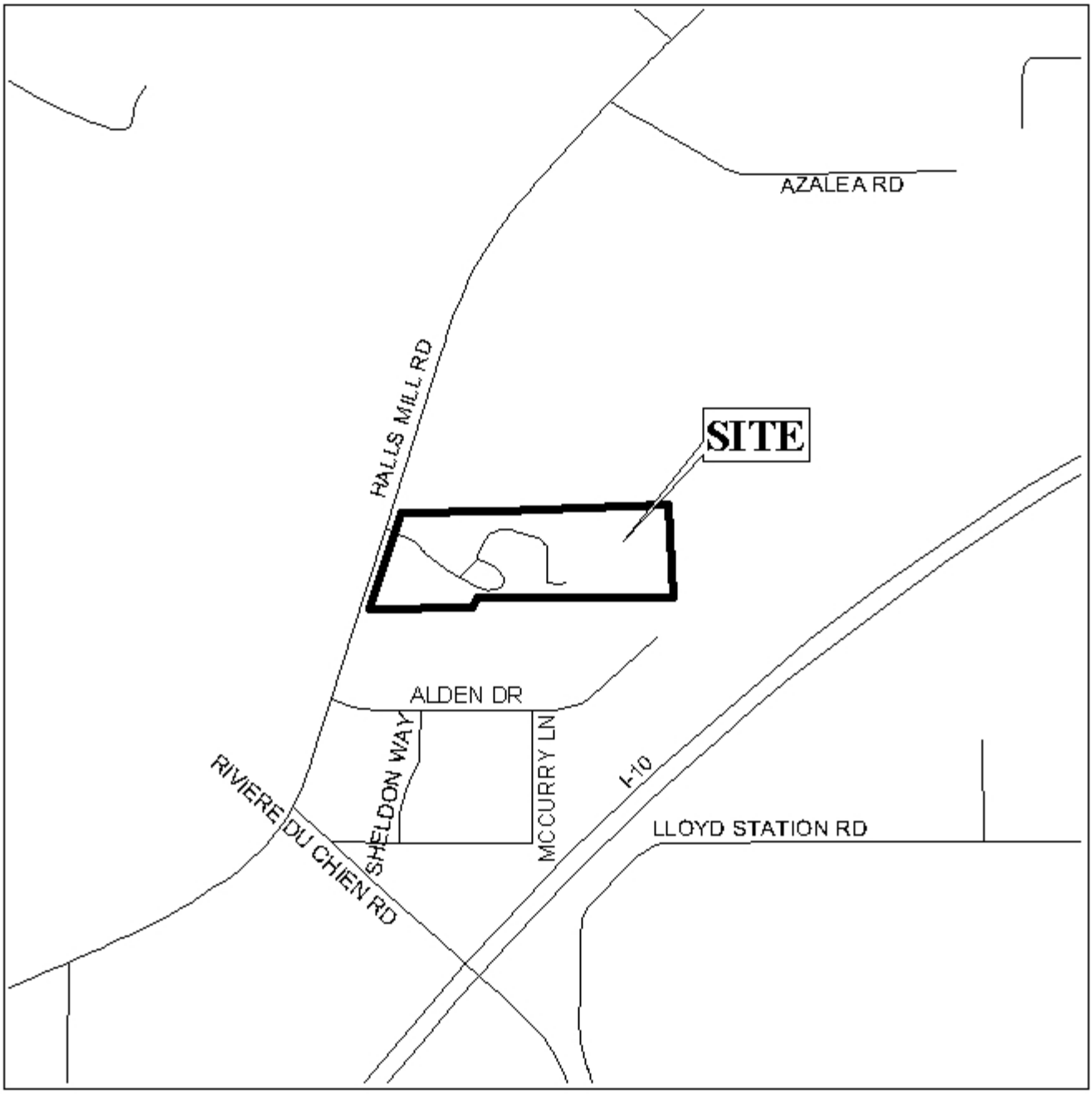
The applicant failed to illustrate that a literal enforcement of the zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct an access/maneuvering area with substandard material.

This application was heldover from the Board's October meeting at the applicant's request.

RECOMMENDATION 5268 **Date: October 4, 2004**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



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APPLICANT Robert S. Moore

REQUEST Parking and Access/Maneuvering Surface Variances

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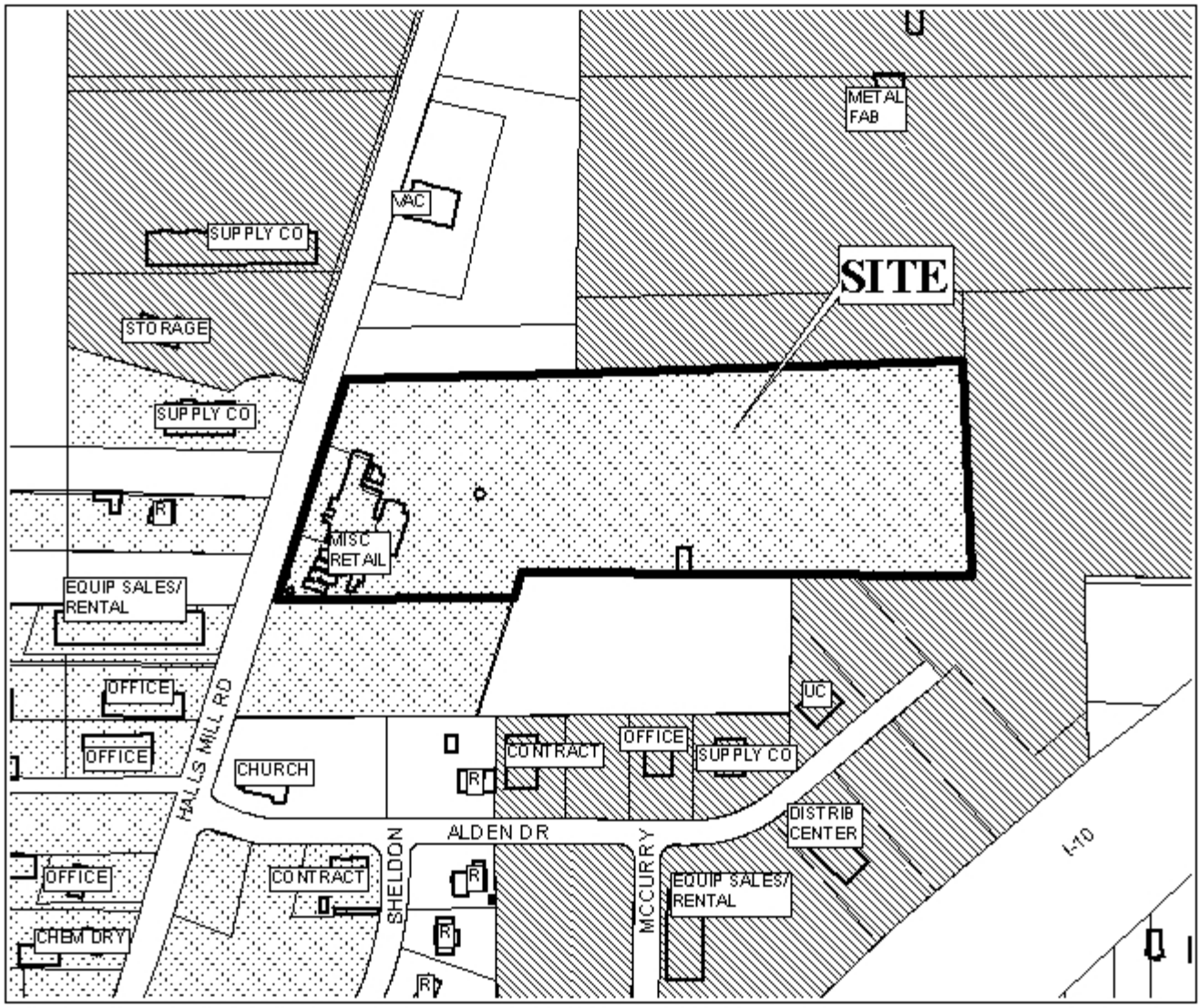
BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous industrial and retail companies, with a single family residential dwelling located ot the West.

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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

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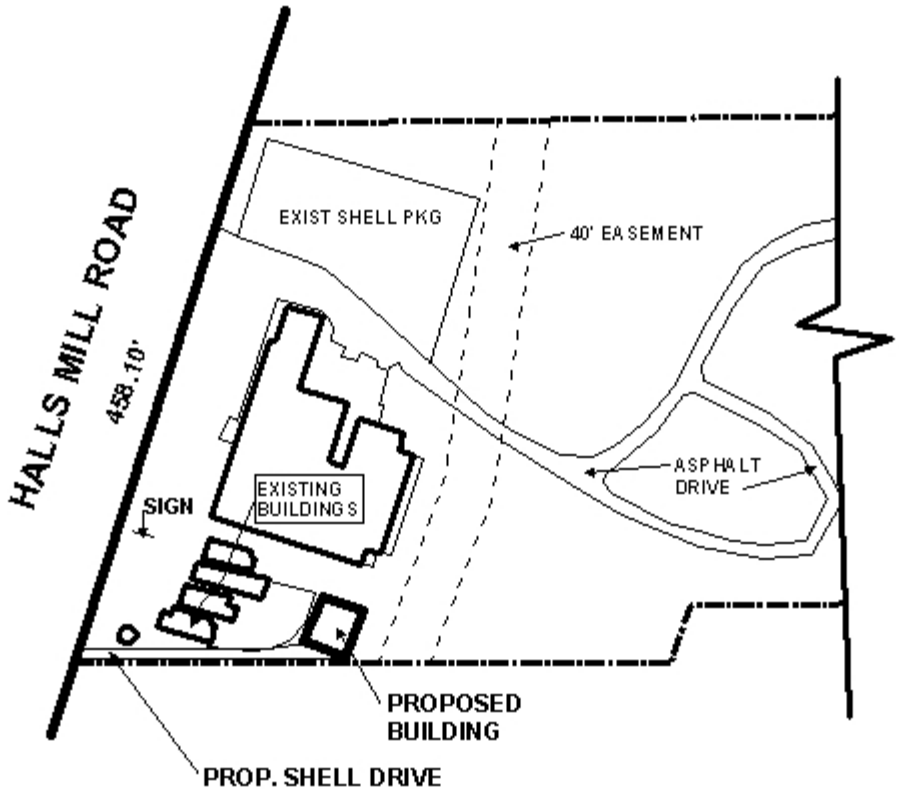
SITE PLAN



The site is located on the East side of Halls Mill Road, 410' North of Alden Drive. The plan illustrates the existing structures, parking, and drives, along with the proposed structure and shell driveway.

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