

APPLICATION NUMBER

5297

A REQUEST FOR

**USE AND ACCESS/MANEUVERING VARIANCES TO
ALLOW A PLUMBING COMPANY OFFICE, WITH A 10.9-
FOOT WIDE, TWO-WAY DRIVEWAY, IN A R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; ONLY SINGLE-
FAMILY RESIDENCES ARE ALLOWED IN A R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT, AND A 24-
FOOT WIDE DRIVEWAY IS REQUIRED FOR TWO-WAY
TRAFFIC.**

LOCATED AT

60 N. SAGE AVE.

(East side of N. Sage Avenue, 150'± South of Ishee Street)

APPLICANT

GREG MURPHY

BOARD OF ZONING ADJUSTMENT

MARCH 2005

The applicant is requesting Use and Access/Maneuvering Variances to allow a plumbing company office, with a 10.9-foot wide, two-way driveway, in a R-1, Single-Family Residential District; only single-family residences are allowed in a R-1, Single-Family Residential District, and a 24-foot wide driveway is required for two-way traffic.

The applicant states that the business will have three employees, no customers to the site each day, and that the property will have a positive effect on the surrounding neighborhood. The applicant also proposes to provide a 10' 9" access drive for the site; the Zoning Ordinance requires that the access drive be 24' wide for two-way traffic.

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.

It should be noted that the applicant was previously granted a variance for the adjacent site to the North, having stated that the block was not a good residential neighborhood due to the traffic on North Sage Avenue and the number of commercial enterprises there. However, the majority of these commercial uses have resulted from variances on R-1 zoned properties, rather than existing as of right. As the R-1 zoned lots are predominantly used as single-family residences, permitting another commercial use and its traffic would be detrimental to the character of the neighborhood, which is still largely residential in the quartet of blocks bounded by North Sage Avenue, Mathers Street, Macks Street, and the Armory site. Furthermore, because the applicant's previous variance has contributed to commercial activity on the street, on the lot adjacent to this site, any hardship posed by the presence of commercial activity must be seen as self-imposed.

The applicant failed to demonstrate that special conditions exist on the site that would make a literal enforcement of the Ordinance an unnecessary hardship. It is simply the applicant's desire to convert an existing single-family residence into a plumbing company.

RECOMMENDATION 5297**Date: March 7, 2005**

Based upon the preceding, it is recommended that this application be denied for the following reasons: 1) the perceived hardship is self-imposed; and 2) the applicant has not shown that special conditions of the site would cause a literal enforcement of the Ordinance to result in an unnecessary hardship.