

APPLICATION NUMBER

5370/5225/3870

A REQUEST FOR

**USE VARIANCE TO AMEND A PREVIOUSLY APPROVED
USE VARIANCE TO ALLOW THE EXPANSION OF A
PEST CONTROL SERVICE IN A B-2, NEIGHBORHOOD
BUSINESS DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF B-3, COMMUNITY
BUSINESS DISTRICT FOR A PEST CONTROL SERVICE.**

LOCATED AT

619 AZALEA ROAD

(North side of Azalea Road, 1,060'± West of Village Green Drive)

APPLICANT/OWNER

BUGMASTER EXTERMINATORS

AGENT

FRANK A. ALARDO

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2006

The applicant is requesting a Use Variance to amend a previously approved Use Variance to allow the expansion of a Pest Control Service in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of B-3, Community Business District for a Pest Control Service.

This application seeks to amend two previous Board approvals for a pest control service. The original application was approved in 1983 to allow the pest control service in an R-1, Single-Family Residential District. Bugmaster has operated on the existing site for 23 years. The existing site and the adjacent lot to the East were requested for rezoning to B-3 in 2001, but were approved for B-2, and in 2004 the applicant submitted a Use Variance to allow the use of the adjacent lot for the pest control service with proposed office and truck storage facilities. That application was recommended for denial, but was approved by the Board. No permits were issued for any of the site development and that variance expired. The applicant now desires to proceed with an expansion of the existing site to include what was to be the proposed new site to the East in the previous variance application. The current proposed site plan received Planned Unit Development Approval by the Planning Commission on August 17, 2006 to allow an office building, two carports, and three accessory buildings on a single building site. One of the conditions of approval of that application is the submission and approval of a Use Variance.

The applicant proposes to build a new 5,000 square foot office building on the adjacent property and remove the existing office building to allow for part of the increased on-site parking. It is stated that Bugmaster proposes to take an empty lot and build an aesthetic office building with landscaping that would elevate the neighbors' property values. Two existing carports and three small existing accessory buildings will remain on site. Proposed hours of operation will be Monday through Friday from 7:00 AM to 6:00 PM and Saturday from 8:00 AM to noon. Currently the applicant employs 11 outside technicians and 5 office staff.

The applicant acknowledges that pest control services require B-3 zoning; however, the applicant assumes that was required in the past because of the different types of chemicals that were utilized, such as DDT and chlordane, which have since been discontinued.

Use Variance applications are typically submitted requesting an existing structure to be used for a specific use, such as an office for an attorney. In this particular case, most of the site would consist of new development. The approval of this request would essentially create a new B-3, Community Business District allowing any pest control use. Use Variances may alter the character of a neighborhood beginning a domino effect, as adjacent properties seek similar requests due to the now-changing character of the area. Furthermore, based upon the lack of evidence submitted by the applicant, there is no hardship associated with the property.

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.

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.

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 expand a Pest Control Service in a B-2 District. In addition, the granting of such a variance would set an undesirable precedent and would encourage future applications of a similar nature, specifically adjacent property along Azalea Road. Inasmuch as the previous Use Variance was granted by the Board, this application is for a larger site area and the Board should consider its negative impacts within the adjacent B-2 zoning,

RECOMMENDATION 5225/5370/3870

Date: September 11, 2006

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

LOCATOR MAP



APPLICATION NUMBER 5370/5225 DATE September 11, 2006

APPLICANT Bug Master Exterminators

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



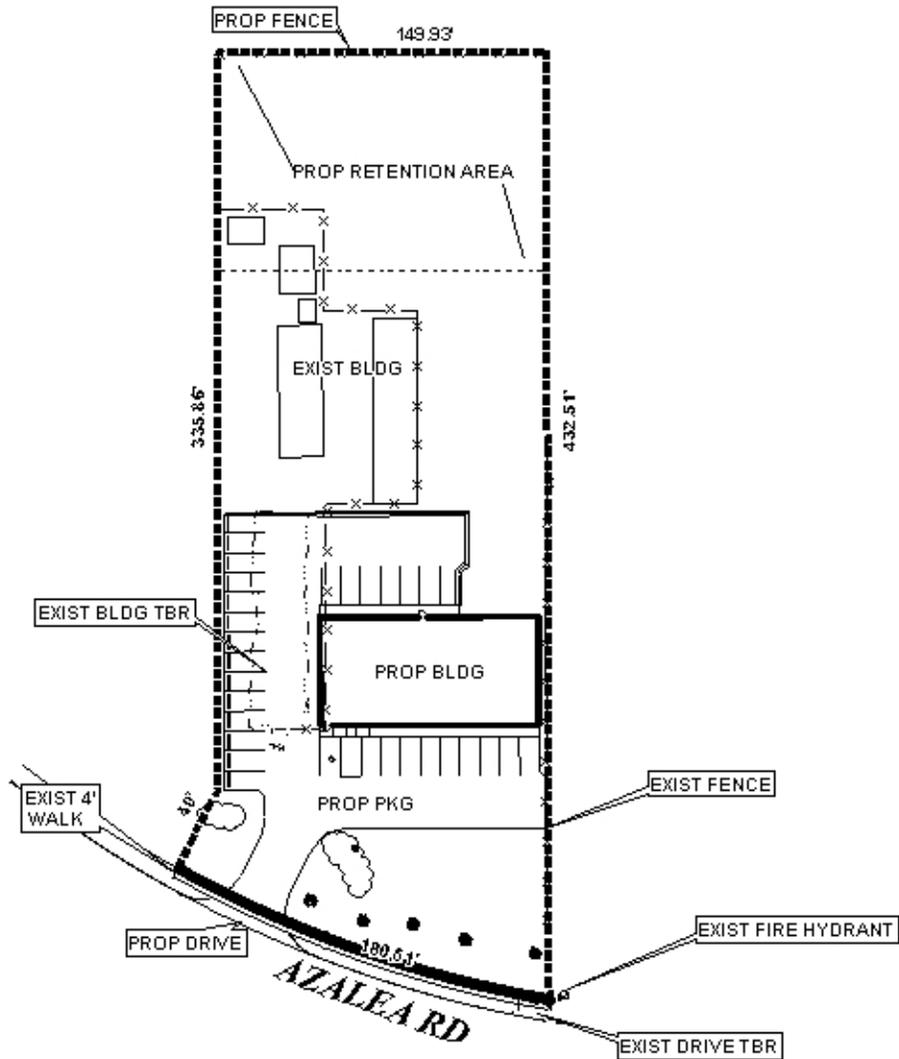
The site is surrounded by mixed land use

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LEGEND	 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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SITE PLAN



The site plan illustrates the existing buildings, buildings to be removed, proposed building, proposed parking, and proposed retention area

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NTS