

APPLICATION NUMBER

5280

A REQUEST FOR

**USE AND SUBSTANDARD ACCESS VARIANCES TO
ALLOW A BEAUTY SALON WITH AN 18' WIDE,
TWO-WAY DRIVE 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' WIDE
DRIVE IS REQUIRED**

LOCATED AT

5113 OVERLOOK ROAD

(South side of Overlook Road, 170'± East of Forest Dale Drive)

APPLICANT/AGENT

PATRICIA MOULDS

OWNER

SOUTHTRUST BANK

BOARD OF ZONING ADJUSTMENT

DECEMBER 2004

The applicant is requesting Use and Substandard Access Variances to allow a Beauty Salon with an 18' wide, two-way drive 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' wide drive is required for two-way traffic.

The applicant proposes conversion of an existing single-family dwelling to a beauty salon. The applicant proposes to replace or close off several windows, remove the kitchen cabinets, remove and close off the existing side door, widen the bathroom doorway to allow handicap access, remove the bathtub and landscape and pave the site to allow parking for customers to the beauty salon.

The applicant states that the salon would operate Tuesday through Friday, 9:00AM until 6:00PM and on Saturdays, 6:00AM until 5:00PM.

The proposed access aisle configuration does not meet the minimum requirements of the Zoning Ordinance, and does not provide for functional two-way traffic. Furthermore, the plan also does not appear to comply with landscaping and tree planting requirements, nor the provision of buffering from the adjacent residential properties. However, the plan does provide the minimum number of parking spaces required.

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.

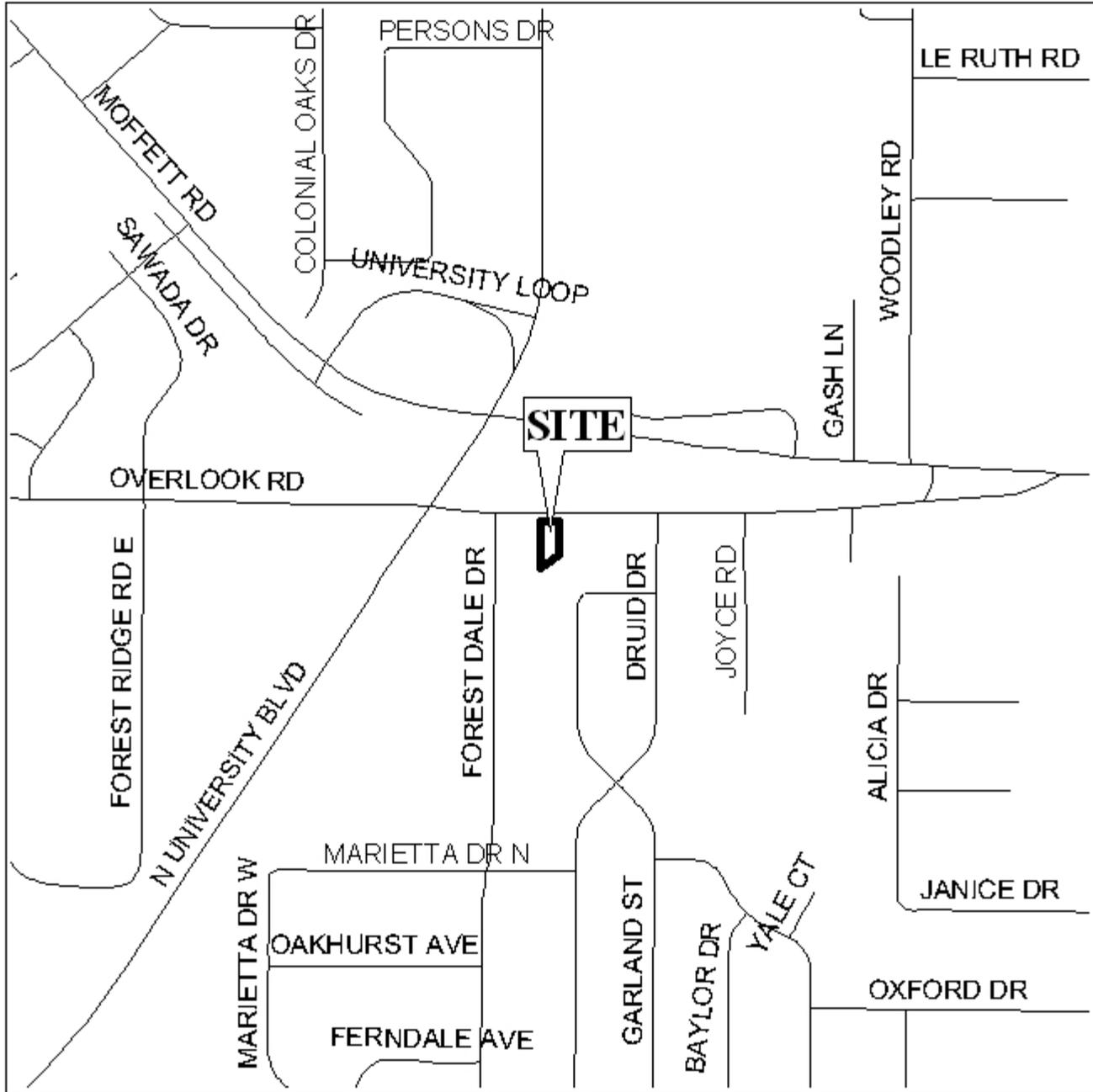
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to convert an existing single-family dwelling into a beauty salon.

RECOMMENDATION 5280

Date: December 6, 2004

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

LOCATOR MAP



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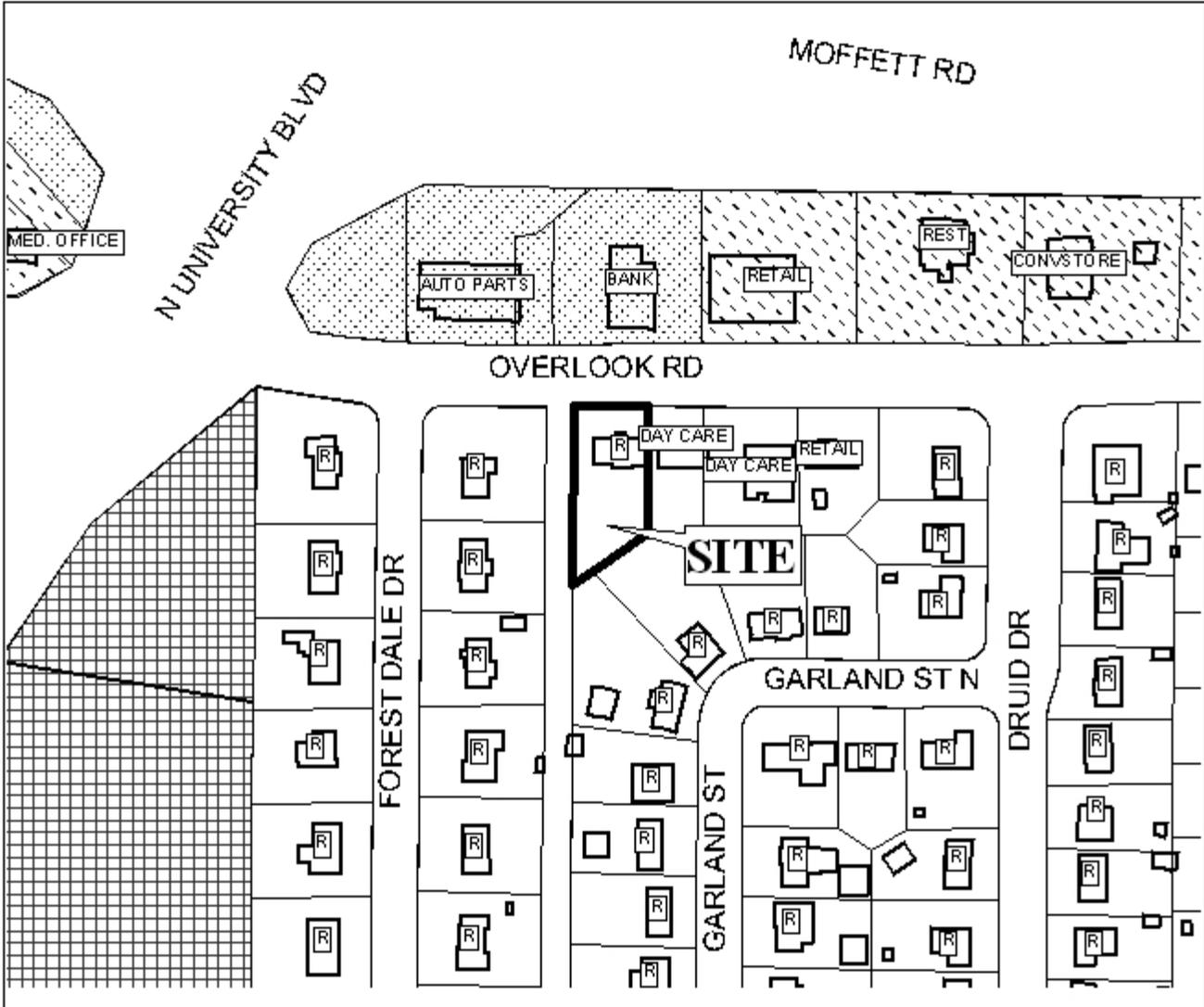
APPLICANT Patricia Moulds (Southtrust Bank, Owner)

REQUEST Use, Substandard Access Variances



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are to the South of the site and mixed commercial use is to the North.

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LEGEND

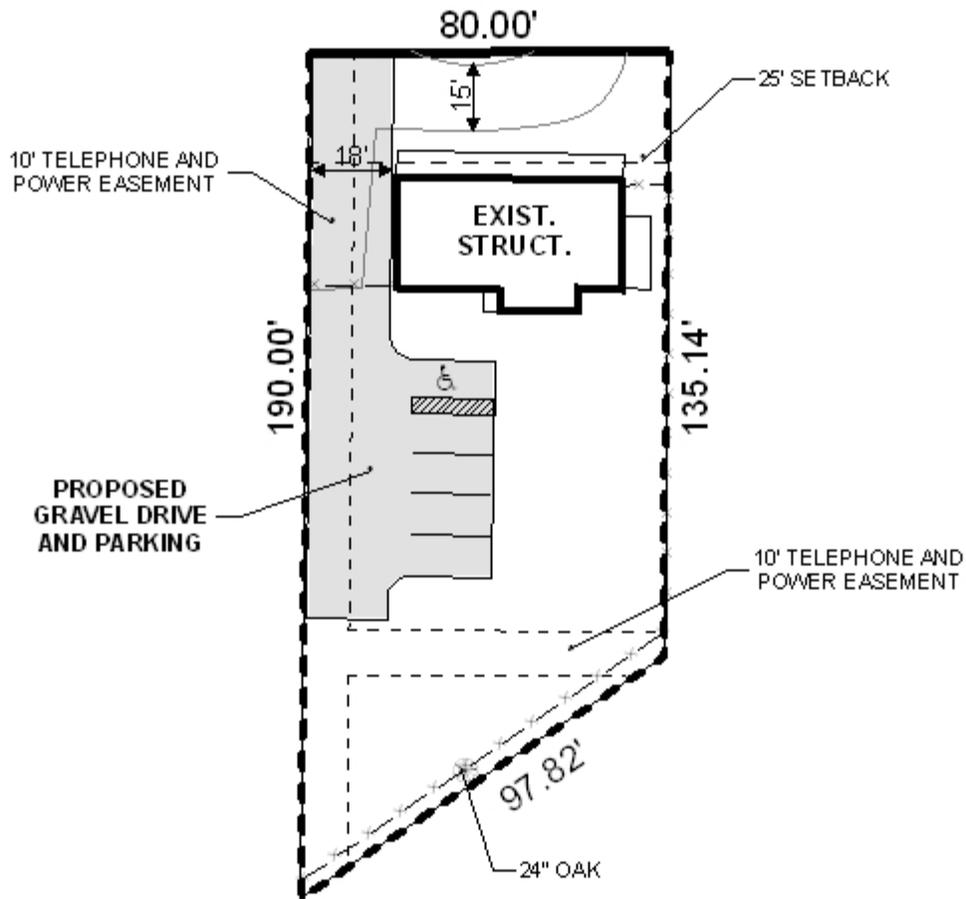
R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



NTS

SITE PLAN

OVERLOOK ROAD



The site is located on the South side of Overlook Road, 170' East of Forest Dale Drive.
The plan illustrates the existing structure and proposed parking.

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