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DEC 08 2016

CITY OF ROANOKE  
PLANNING BUILDING &  
DEVELOPMENT

# Variance Application

Planning Building and Development  
Room 166, Noel C. Taylor Municipal Building  
215 Church Avenue, S.W.  
Roanoke, Virginia 24011  
Phone: (540) 853-1730 Fax: (540) 853-1230

- Application Checklist:
- Application Form
  - Written Narrative
  - Development Plan
  - Elevation
  - Filing Fee

BZAV16-0016

Date: Dec 7, 2016

### Property Information:

Street Address: 441 Mountain Ave. SW, Roanoke, VA 24016

Official Tax No(s): 1020613

Size of Property (acres or square feet): 9760

Base Zoning District: CN, Commercial-Neighborhood Overlay Zoning District: H-2, Historic Neighborhood

Request is made for a variance from Section 36.2-316, Zoning, Code of the City of Roanoke (1979), as amended.

Briefly describe the proposed project and specific deviation requested from the Zoning Ordinance:

SEE ATTACHED DOCUMENTATION...

### Applicant Information:

Name: Barry C. Bellamy Phone Number: +1 (540) 354-6171

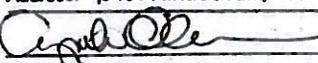
Address: 2002 Country Club Rd., Troutville, VA 24175 E-Mail: BarryCBellamy@gmail.com

Applicant's Signature: 

### Owner Information:

Name: Olivers Twist, LLC Phone Number: +1 (540) 537-5436

Address: 5461 Flintlock Ln., Roanoke, VA 24018 E-Mail: appointments@oliverstwtisalon.com

Owner's Signature: 

Application accepted as submitted in accordance with the provisions of Chapter 36.2, Zoning, Code of the City of Roanoke (1979), as amended.

  
Secretary to the Board's Signature

12/8/16  
Intake Date

January 11, 2017  
Public Hearing Date

## Description...

Because of the lot location, lot dimension, and the adjoining streets, Elm Ave SW and 5<sup>th</sup> St. SW, are designated "No Parking" areas, 808 5<sup>th</sup> St SW has no available parking – off-street or on-street. This is the ramifications of past Roanoke City Officials allowing the owners of 444 Elm Ave. SW to subdivide their lot into two parcels which allowed the construction of 808 5<sup>th</sup> St. SW on the new parcel resulting in the elimination of "Off-Street" parking for both parcels. Then past Roanoke City Officials made "No Parking" on the adjoining street (5<sup>th</sup> and Elm) which eliminated all adjoining "On-Street" parking for both parcels. By not demolishing an abandoned and condemned historic structure, 808 5<sup>th</sup> St. SW, and renovating it into a Live-Work Unit, I am now faced with a historic commercial building that has no available parking for prospective tenants. Therefore, due to the hardship of no available parking, I am attempting to purchase 814 5<sup>th</sup> St. SW which has a parking area that will solve my hardship and allow for 5<sup>th</sup> Street Village Center to come to fruition. Currently 814 5<sup>th</sup> St. SW is part of 441 Mountain Ave. SW (Tax Number 1020613). By separating out 814 5<sup>th</sup> St. SW into its own tax parcel, I will be able to subdivide 441 Mountain Ave. SW into two separate tax parcels (814 5<sup>th</sup> St SW and 441 Mountain Ave. SW). In doing so, the ordinance requirement of minimum lot size of 5000 sqft will not be met by the new parcel (814 5<sup>th</sup> St. SW); 441 Mountain Ave. SW will be within the required minimum 5000 sqft, but 814 5<sup>th</sup> St. SW will be approximately 500 sqft short. Approving the variance will remove the Dimensional Regulations for Multiple Purpose Districts (CN) - Minimum lot area (5000 sqft) requirement and relieve the hardship of no available parking for 808 5<sup>th</sup> St. SW. This will allow for 808 5<sup>th</sup> St. SW to be purchased by ADN Investments, LLC and renovated into a Live-Work Unit; hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5<sup>th</sup> Street Village Center.

# Zoning Variance Narrative...

- A. Description of the proposed project...
  - a. 808 5<sup>th</sup> St. SW has no available parking (off-street and adjoining on-street)
  - b. Subdivide 441 Mountain Ave. SW (tax number 1020613) to parcel out 814 5<sup>th</sup> St. SW
  - c. Due to 814 5<sup>th</sup> St. SW lot area, need Variance for Sec. 36.2-316 Minimum Lot Area 5000sqft (CN)
  - d. Purchase 814 5<sup>th</sup> St. SW to be used for parking for 808 5<sup>th</sup> St. SW
  - e. Allow for 808 5<sup>th</sup> St. SW to be renovated into a Live-Work Unit
  - f. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5<sup>th</sup> Street Village Center
- B. Specific deviation requested from the Zoning Ordinance...
  - a. Sec. 36.2-316 Dimensional Regulations for Multiple Purpose Districts (CN) - Minimum lot area (5000 sqft).
  - b. New parcel, 814 5<sup>th</sup> St. SW, lot area will be approximately 4500 sqft (75' x 60')
  - c. 500 sqft short of requested 5000 sqft requirement
- C. How would granting of the variance alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience?
  - a. Provide parking for 808 5<sup>th</sup> St. SW
  - b. Allow for 808 5<sup>th</sup> St. SW to be renovated into a Live-Work Unit
  - c. Hence fulfilling Roanoke City's Vision 2001-2020 of creating 5<sup>th</sup> Street Village Center
- D. How is the requested variance in harmony with the intended spirit or purpose of the Zoning Ordinance?
  - a. It would allow 814 5<sup>th</sup> St. SW to be subdivided into a separate parcel
  - b. Which would be sold to ADN Investments, LLC to be used for parking for 808 5<sup>th</sup> St. SW
  - c. Allow for 808 5<sup>th</sup> St. SW to be renovated into a Live-Work Unit
  - d. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5<sup>th</sup> Street Village Center
- E. Explain how the specific condition or situation of the property and the resulting undue hardship are not so general or of a recurring nature as to make reasonably practicable the formulation of a general regulation as an amendment to the Zoning Ordinance; and
  - a. This is the ramifications of past Roanoke City allowing...
    - i. Owners of 444 Elm Ave. SW to subdivide their lot into two parcels
    - ii. Allowing the construction of 808 5<sup>th</sup> St. SW on the new parcel, which resulted in the elimination of "Off-Street" parking for both parcels
    - iii. Making "No Parking" on the adjoining street (5<sup>th</sup> and Elm) which eliminated all adjoining "On-Street" parking for both parcels
  - b. Allowing this Variance will correct the mistakes made by past Roanoke City Officials
  - c. Allow for 808 5<sup>th</sup> St. SW to be renovated into a Live-Work Unit
  - d. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5<sup>th</sup> Street Village Center
- F. Explain why there is no other reasonable option to comply with the Zoning Ordinance without a variance...
  - a. Purchasing 441 Mountain Ave SW as one parcel is not a feasible option
  - b. There is no other available parking in the surrounding neighborhood to support a Live-Work Unit
  - c. Hence the subdivision of 441 Mountain Ave SW into a two parcels, allowing the variance for Sec. 36.2-316 Minimum Lot Area 5000sqft (CN)
  - d. Purchase 814 5<sup>th</sup> St. SW to be used for parking for 808 5<sup>th</sup> St. SW
  - e. Allow for 808 5<sup>th</sup> St. SW to be renovated into a Live-Work Unit
  - f. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5<sup>th</sup> Street Village Center

## 814 5th and 808 St. SW (Street View)...



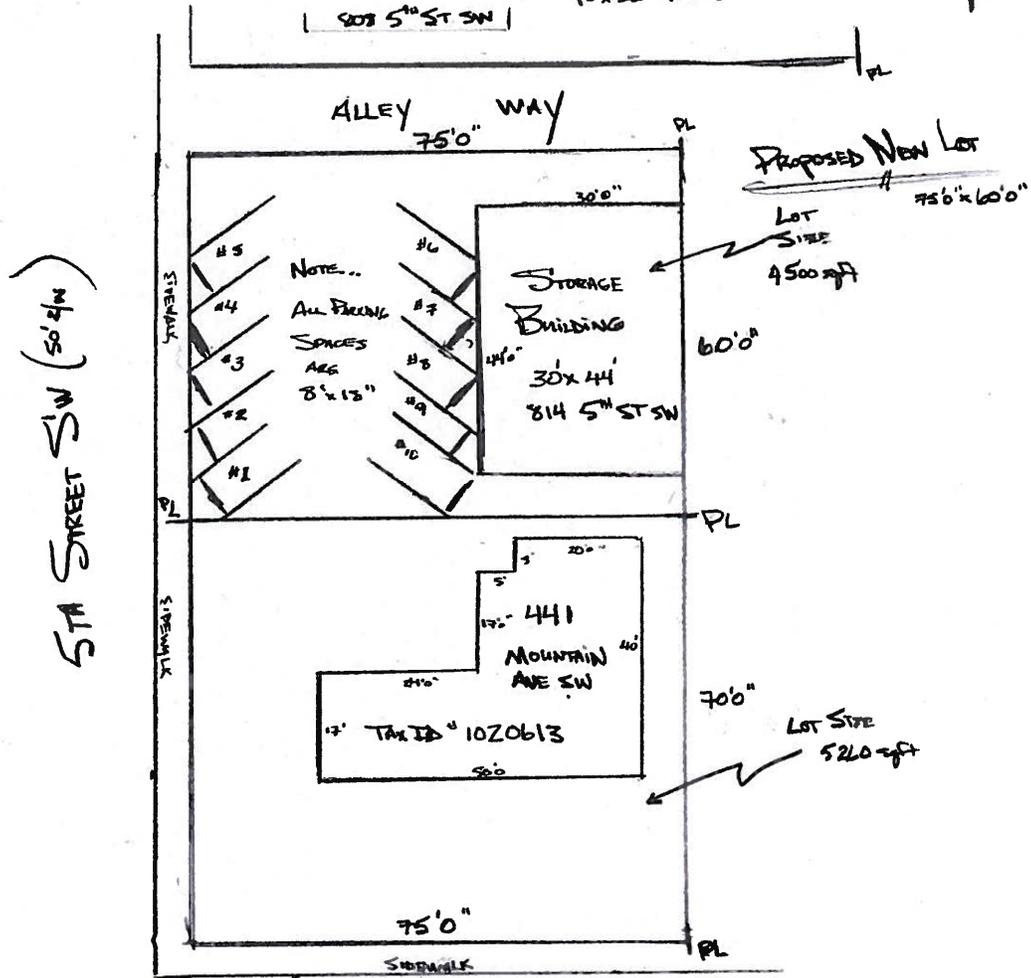
## 814 5th St. SW Exterior...



# Proposed Development Plan...

## CONCEPT PLAN

440 Elm Ave SW  
Tax ID # 1020602



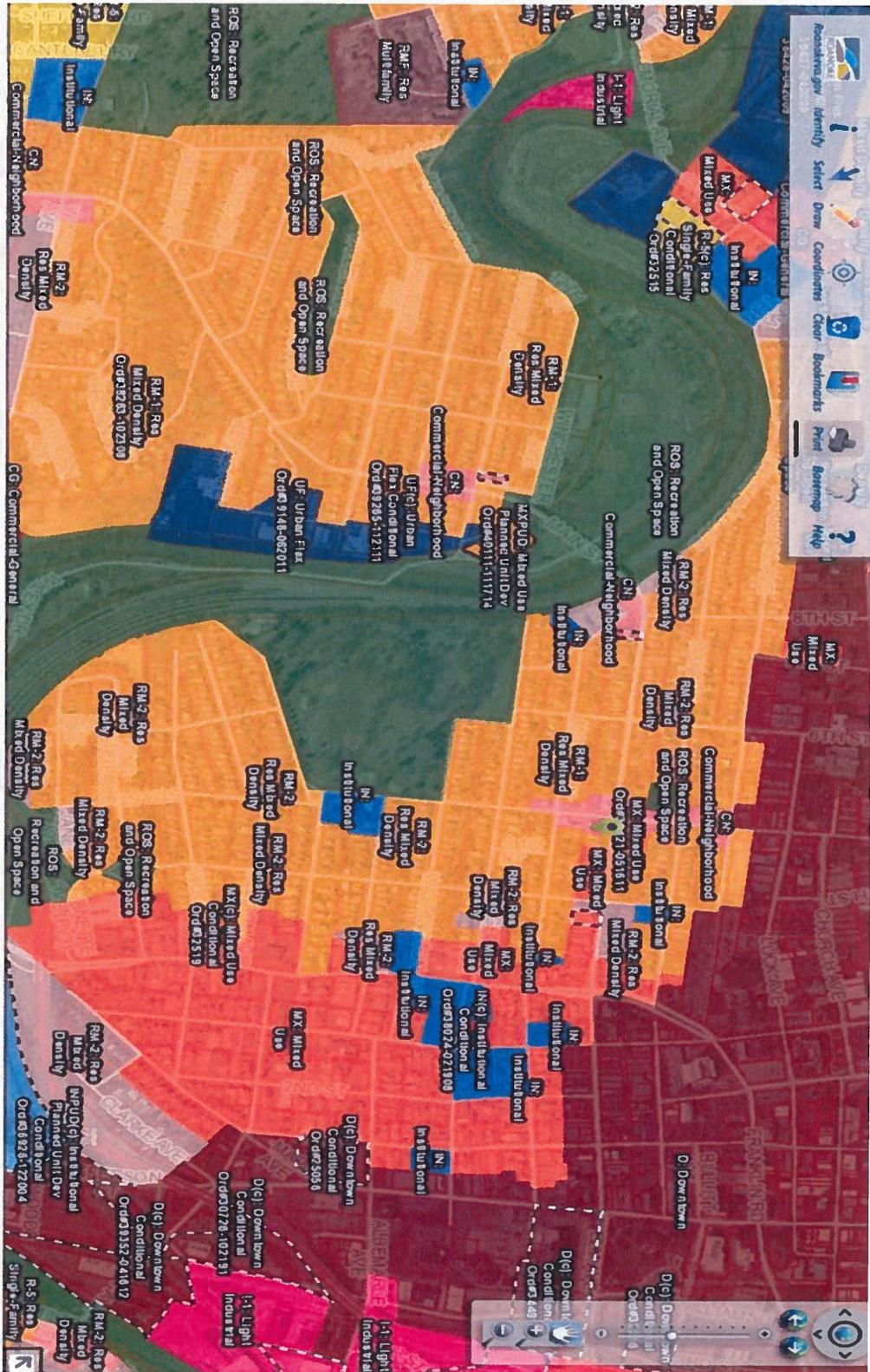
MOUNTAIN AVE SW (50' R/W)

SITE PLAN  
Prepared by: Barry C. Baker  
8-Dec-2016



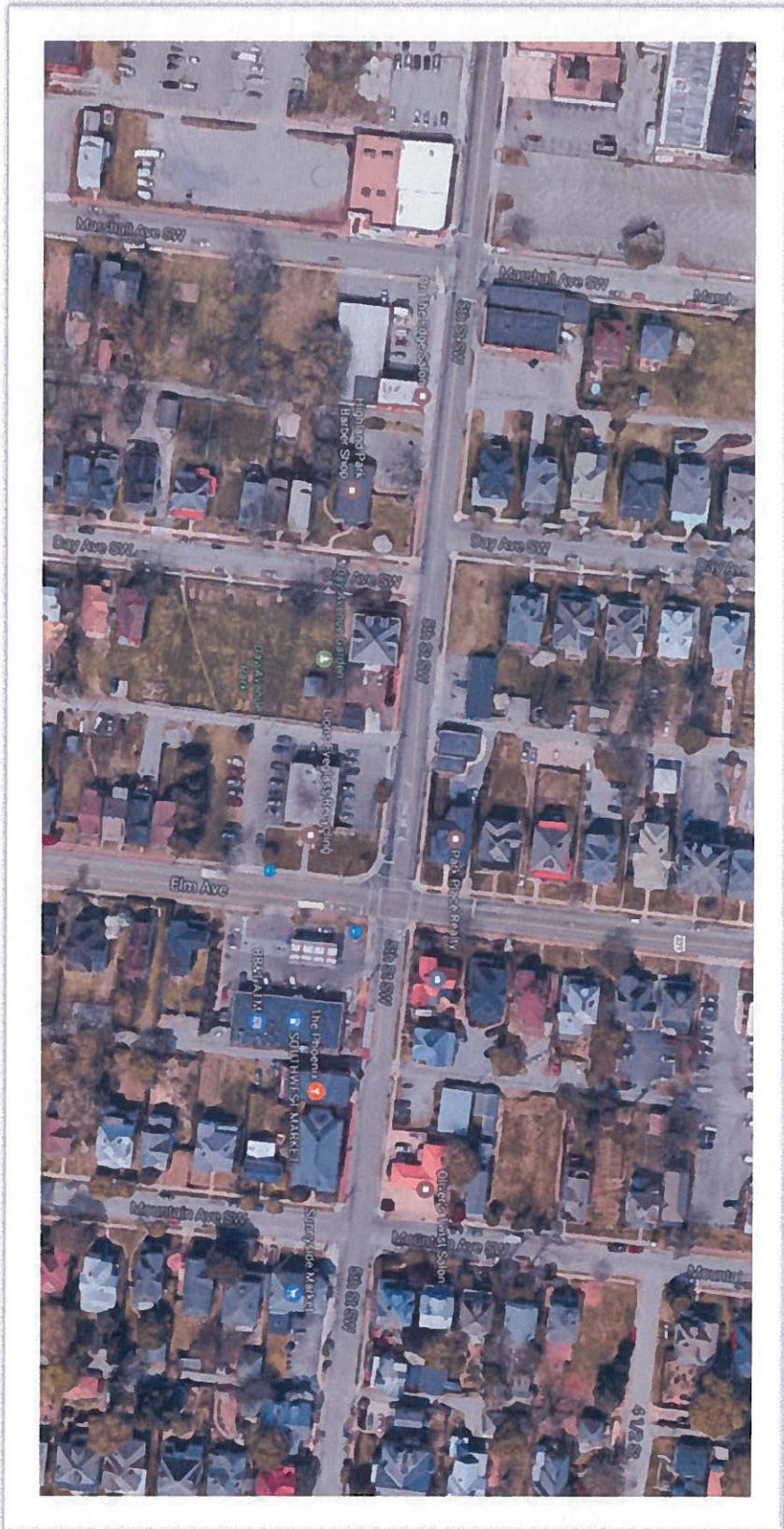
Roanoke City H2 District...

# H2 Zoning Districts (CN is pink)...

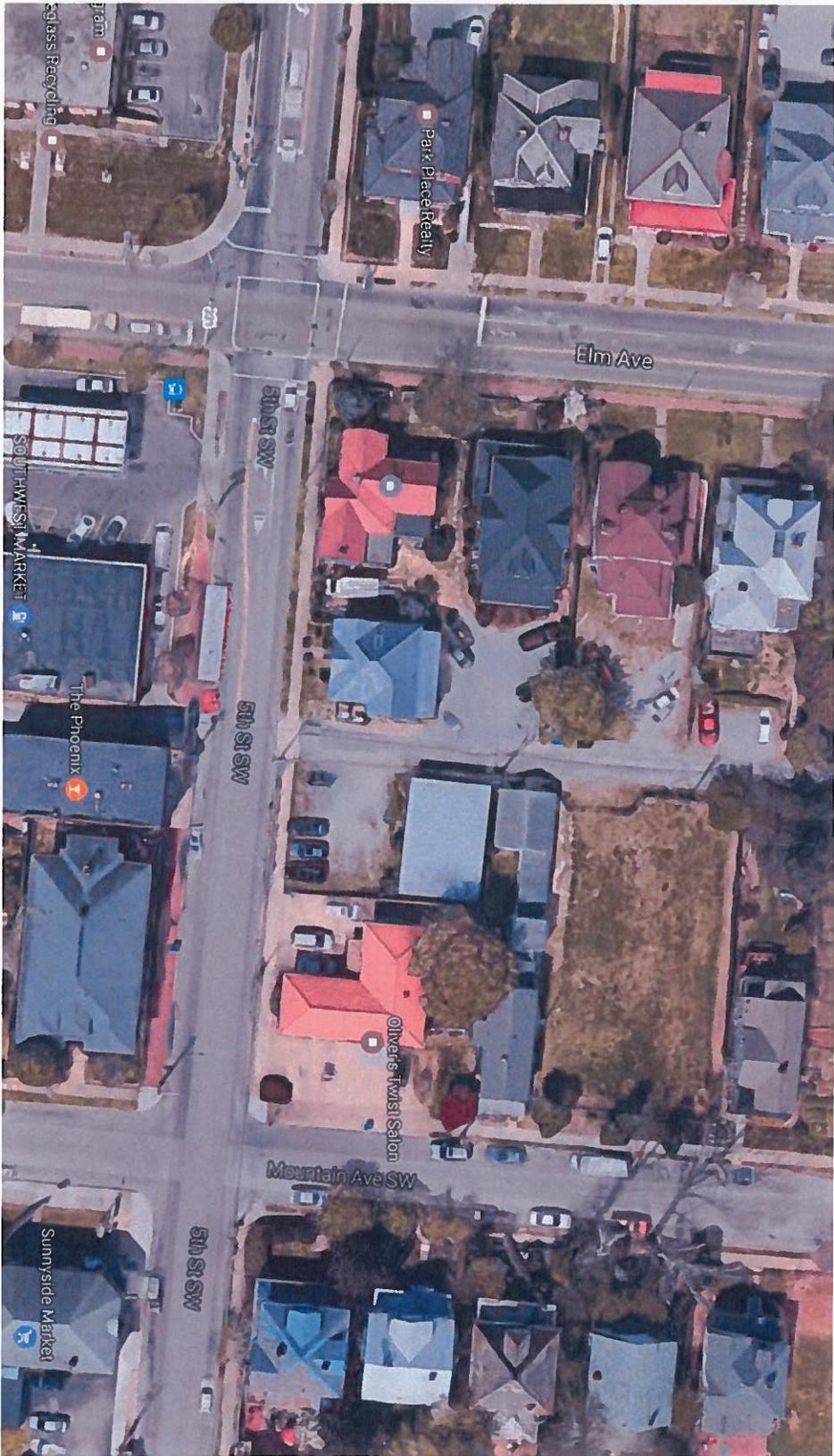




H2 CN District (pink) and designated Village Center (5<sup>th</sup> Street)...



Available Parking along 5<sup>th</sup> Street Village Center...



**808 5<sup>th</sup> St. SW No Available Parking (off-street or adjoining street parking)...**

# ATTACHMENT A ZONING MAP EXCERPT 441 MOUNTAIN AVE, SW

## Legend

-  Subject Property
- Zoning**
- ZONING**
-  AD: Airport Dev
-  AD(c): Airport Dev Conditional
-  CG: Commercial-General
-  CG(c): Commercial-General Conditional
-  CLS: Commercial-Large Site
-  CLS(c): Commercial-Large Site Conditional
-  CN: Commercial-Neighborhood
-  CN(c): Commercial-Neighborhood Conditional
-  D: Downtown
-  D(c): Downtown Conditional
-  I-1: Light Industrial
-  I-1(c): Light Industrial Conditional
-  I-2: Heavy Industrial
-  I-2(c): Heavy Industrial Conditional
-  IN: Institutional
-  IN(c): Institutional Conditional
-  INPUD: Institutional Planned Unit Dev
-  INPUD(c): Institutional Planned Unit Dev Conditional
-  IPUD: Industrial Planned Unit Dev
-  IPUD(c): Industrial Planned Unit Dev Conditional
-  MX: Mixed Use
-  MX(c): Mixed Use Conditional
-  MXPUD: Mixed Use Planned Unit Dev
-  MXPUD(c): Mixed Use Planned Unit Dev Conditional
-  R-12: Res Single-Family
-  R-12(c): Res Single-Family Conditional
-  R-3: Res Single-Family
-  R-3(c): Res Single-Family Conditional
-  R-5: Res Single-Family
-  R-5(c): Res Single-Family Conditional
-  R-7: Res Single-Family
-  R-7(c): Res Single-Family Conditional
-  RA: Res-Agricultural
-  RA(c): Res-Agricultural Conditional
-  RM-1: Res Mixed Density
-  RM-1(c): Res Mixed Density Conditional
-  RM-2: Res Mixed Density
-  RM-2(c): Res Mixed Density Conditional
-  RMF: Res Multifamily
-  RMF(c): Res Multifamily Conditional
-  ROS: Recreation and Open Space
-  ROS(c): Recreation and Open Space Conditional
-  UF: Urban Flex
-  UF(c): Urban Flex Conditional
-  Floodplain Overlay, F

