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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

BZAV 16-0014

Date: Dec 7, 2016

Property Information:

Street Address: 808 5th St. SW, Roanoke, VA 24016

Official Tax No(s): 1020602

Size of Property (acres or square feet): 13000

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.

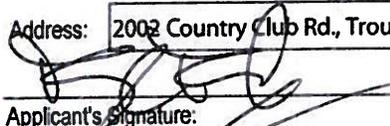
Briefly describe the proposed project and specific deviation requested from the Zoning Ordinance:

SEE ATTACHED DOCUMENTATION...

Applicant Information:

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

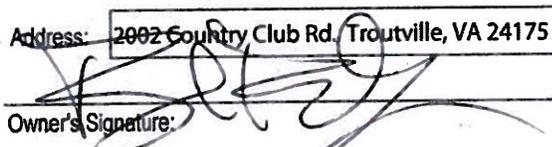
Address: 2002 Country Club Rd., Troutville, VA 24175 E-Mail: BarryCBellamy@gmail.com

Applicant's Signature: 

Owner Information:

Name: ADN Investments, LLC Phone Number: +1 (540) 354-6171

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

As part of the approval to change the zoning of 440 Elm Ave. SW, 444 Elm Ave. SW and 808 5th St. SW from RM-1 to Commercial Neighborhood (CN) that I submitted January 28, 2014, Roanoke City stated that I had to subdivide 440 Elm Ave SW (4 units), 444 Elm SW (3 units) and 808 5th St. SW (planned Live-Work Unit) into one parcel (tax #1020602); hence allowing seven residential units ($13000/1800=7.2$). Per Sec. 36.2-316. - Dimensional regulations for multiple purpose districts (CN)... minimum lot area per residential unit of 1800 sqft restricts me from using 808 5th St. SW as Live-Work Unit. The variance will allow the addition of one more unit (1800 sqft) on the current parcel. This would allow 808 5th St. SW to be used as a Live-Work Unit which follows Roanoke City's Vision 2001-2020 Neighborhood Plan for Old Southwest Priority Initiatives and definition of Commercial Neighborhood (CN).

5th Street Village Center (from Roanoke City Vision 2001-2020 Old Southwest Neighborhood Plan)

The Fifth Street Village Center as identified in Vision 2001-2020 was rezoned in 2005 per the Future Land Use map of the original plan. Village centers are centers in neighborhoods containing a mixture of higher-density residential uses and neighborhood commercial uses. They serve as the focus of neighborhood activity and vary in size and scale depending on the nature of uses and size of the surrounding area. Village Centers should be dense, compact in size, and identifiable. Centers generally have fixed limits so that commercial activity does not encroach in the surrounding residential areas. Some ideal village center commercial uses are restaurants, coffee shops, convenience stores, specialty shops and small retail establishments. **Live/work space is also an appropriate use for village centers. Live/work space is a mixed-use tactic that employs office or retail use on the bottom floor and residential use in the upper floor of a structure.** In recent years the City has encouraged and seen an increase in such uses, particularly in the expansion of downtown housing options. To encourage a pedestrian environment and desirable streetscape, buildings in village centers should be placed close to the street, immediately adjacent to the sidewalk.

Roanoke City Vision 2001-2020; IMPLEMENTING THE PLAN; ECONOMIC DEVELOPMENT ACTIONS...

ED A38. Revise zoning ordinance to permit mixed-use residential/commercial development and live/work space in village centers and on the periphery of the central commercial areas.

Roanoke, VA Code of Ordinances Definition of DISTRICTS Commercial Neighborhoods (CN)

Sec. 36.2-314. - Purposes of multiple purpose districts.

b.) The purpose of the CN District is to encourage a concentration of neighborhood-scaled retail, office, and service uses, in clearly defined, compact areas in close proximity to residential neighborhoods. The regulations of the district are intended to control the scale of nonresidential buildings in a manner that makes them compatible with and appropriate for surrounding residential areas and to **encourage a development pattern that consists of ground floor commercial uses with offices and residential uses on the upper floor levels.** The district is intended to promote pedestrian-oriented development, with buildings located close to the street, pedestrian-scaled signage, main entrances oriented to the street frontage sidewalk, windows or display cases along building façades which face the street, and significant building coverage of the site. Although parking areas may be provided, they are generally limited in size and are deemphasized by their location on the site.

Zoning Variance Narrative...

- A. Description of the proposed project...
 - a. Roanoke City required 440 Elm Ave SW (4 units), 444 Elm SW (3 units) and 808 5th St. SW (planned Live-Work Unit) into one parcel (tax #1020602); hence allowing seven residential units ($13000/1800=7.2$).
 - b. Per Sec. 36.2-316. - Dimensional Regulations for Multiple Purpose Districts (CN)...minimum lot area per residential unit of 1800 sqft restricts me from using 808 5th St. SW as Live-Work Unit.
 - c. Allow the addition of one more residential unit so that 808 5th St. SW could be used as a Live-Work Unit
 - d. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5th 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 per residential unit of 1800 sqft.
 - b. The variance would allow one more unit to be included ($8 \times 1800 = 14400$ sqft; $14400 - 13000$ (lot size) = 14400; results in a difference of 1400 sqft)
- C. How would granting of the variance alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience?
 - a. The definition of CN states "...encourage a development pattern that consists of ground floor commercial uses with offices and residential uses on the upper floor levels."
 - b. Requiring the entire structure to be commercial will result in a vacant upper level.
 - c. Allow for the fulfillment of Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5th Street Village Center
- D. How is the requested variance in harmony with the intended spirit or purpose of the Zoning Ordinance?
 - a. Per Roanoke City Vision 2001-2020; IMPLEMENTING THE PLAN; ECONOMIC DEVELOPMENT ACTIONS...ED A38. Revise zoning ordinance to permit mixed-use residential/commercial development and live/work space in village centers and on the periphery of the central commercial areas.
 - b. Allow for 808 5th St. SW to be renovated into a Live-Work Unit
 - c. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5th 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. The success of 5th Street Village Center is dependent upon the success of the tenant's business that is leasing the buildings.
 - b. Core to a successful Village Center is allowing Live-Work Units; downtown Roanoke is built upon a Live-Work model.
 - c. Allowing 808 5th St. SW to be renovated into a Live-Work Unit, clearly follows Roanoke City Vision 2001-2020; IMPLEMENTING THE PLAN; ECONOMIC DEVELOPMENT ACTIONS...ED A38. Revise zoning ordinance to permit mixed-use residential/commercial development and live/work space in village centers and on the periphery of the central commercial areas.
- F. Explain why there is no other reasonable option to comply with the Zoning Ordinance without a variance...
 - a. The variance is necessary in order to implement Roanoke City's Vision 2001-2020
 - b. Roanoke City Vision 2001-2020; IMPLEMENTING THE PLAN; ECONOMIC DEVELOPMENT ACTIONS...ED A38. Revise zoning ordinance to permit mixed-use residential/commercial development and live/work space in village centers and on the periphery of the central commercial areas.
 - c. Hence fulfilling Roanoke City's Vision 2001-2020 Old Southwest Neighborhood Plan of creating 5th Street Village Center

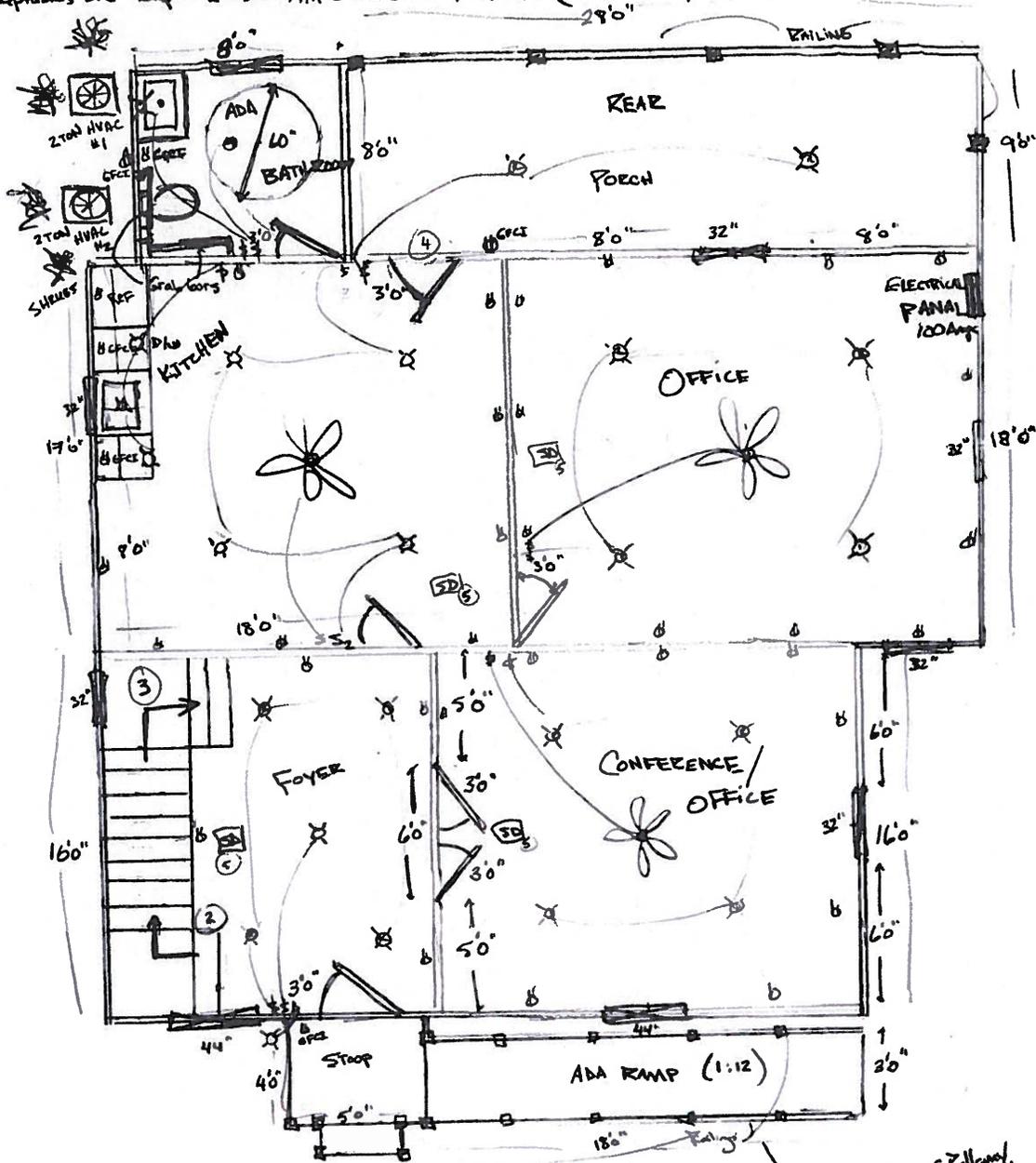
808 5th St. SW...



Floor Plan 808 5th St. SW (Main Level)...

NOTES...

- 1) All common walls, ceilings & floors will have 1 Hour Fire Rating
- 2) Open Vertical Stairway & All Common Walls will have 1 Hour Fire Rating
- 3) ONE EXIT TRAVEL DISTANCE < 50'0"
- 4) REAR Door TO PORCH FOR EMERGENCY EGRESS
- 5) All Smoke Detectors are interconnected, battery Backup on Building Power (except Baths/Kitchen)
- 6) All receptacles are tamper Resistant, All outlets are Arc Fault (except Baths/Kitchen)

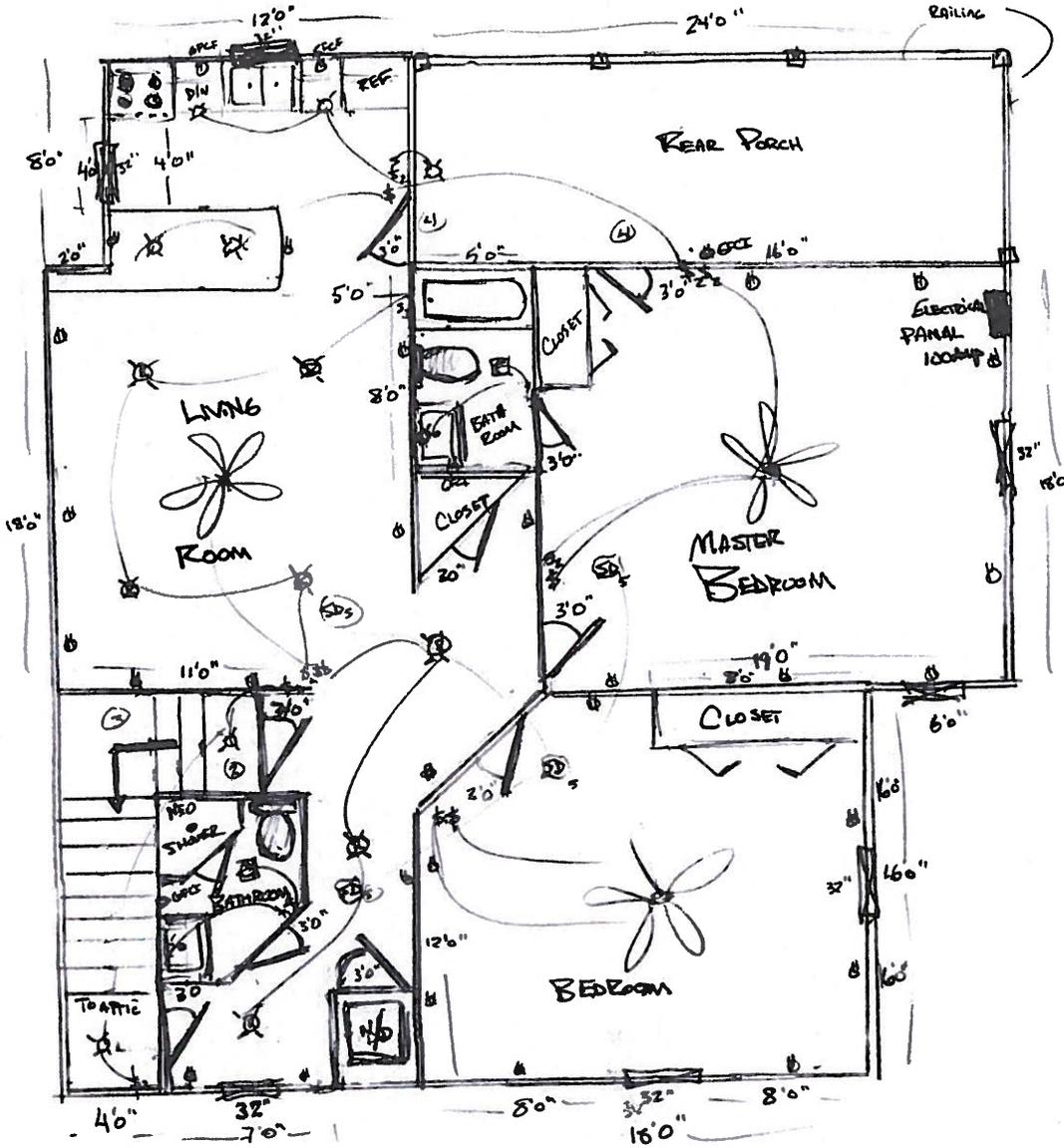


808 5TH STREET SW (Mixed Use)
Lower level - Office Space

Romy C. Belland
ADA & Environmental
(540) 354-6171

Floor Plan 808 5th St. SW (Upper Level)...

- NOTES---
- All common Walls, Ceiling & Floors will have 1 Hour Fire Rating
 - Open Vertical Stairway & all Common Walls will have 1 Hour Fire Rating
 - One Exit travel Distance < 50'0"
 - Rear door to Porch for Emergency Egress
 - All Smoke Detectors are interconnected, battery backed on Building Power
 - All receptals are Tamper Resistant; all outlets are GFCI Fault (except Bathroom & Kitchen)



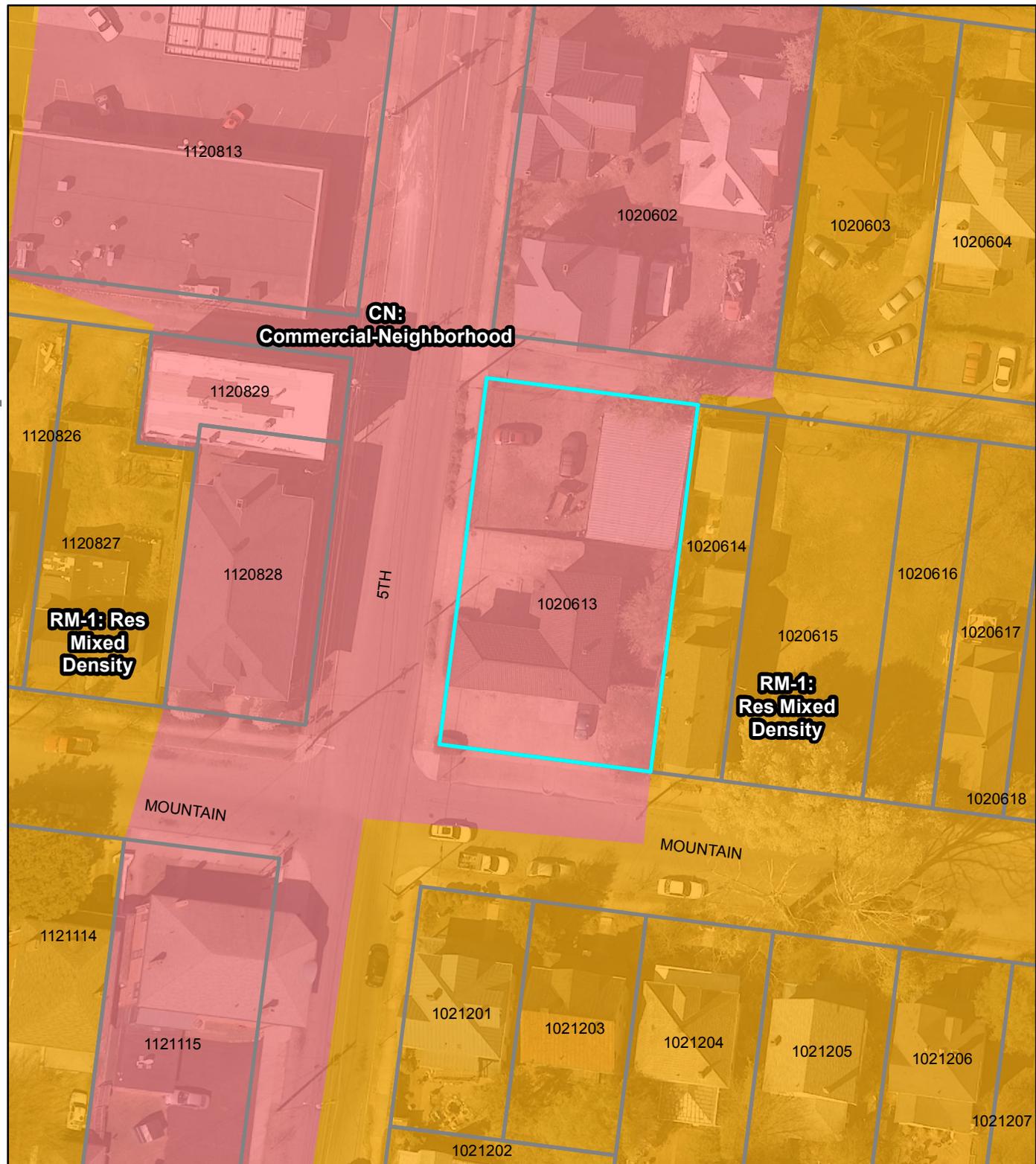
808 5th St. SW
 Mixed Use (Upper Unit)
 2 Bedroom / 2 Bath

East Valley
 ADP Investments
 LLC
 (510) 354-6171

ATTACHMENT A ZONING MAP EXCERPT 808 5TH ST, SW

Legend

-  Subject Property
- 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
-  Filodplain Overlay, F



0 12.5 25 50 Feet
1 inch = 50 feet

