

CBOA-2679

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19-10 18



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:9018

Case Number: CBOA-2679

CZM:32

PD:

HEARING DATE: 06/19/2018 1:30 PM

APPLICANT: Sherry Jacobs

ACTION REQUESTED: Special Exception to permit a firework stand (Use Unit 2) in an CS district (Sec.710); Special Exception to permit a automobile sales and service use (Use Unit 17) in a CS District (Sec.710).

LOCATION: 2404 S 265 AV W

ZONED: CS

PRESENT USE: convenience store

TRACT SIZE: 3.7 acres

LEGAL DESCRIPTION: PRT SW NE BEG 491.05N SWC NE TH N631.92 NELY435.36 SWLY338.99 SW255.71 SWLY214.45 POB SEC 18 19 10 3.70ACS,

RELEVANT PREVIOUS ACTIONS:

None relevant.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large AG zoned tracts.

STAFF COMMENTS

The site plan submitted with the application proposes a fireworks tent/stand on a portion of the CS zoned property. The property currently has two existing buildings. The applicant is requesting a **Special Exception** to permit a firework stand (Use Unit 2) in an CS district (Sec.710).

A Special Exception is required as the proposed fireworks stand is a use which is not permitted by right in the CS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted.

Fireworks stands previously approved by the Board within the County are normally a temporary use operating for less than a few weeks in a given year. If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the fireworks stand is compatible with the surrounding area. The Board may consider establishing conditions related to hours of operation to protect nearby residential areas.

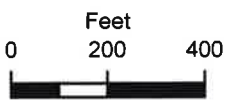
The applicant is also requesting a **Special Exception** to permit a automobile sales and service use (Use Unit 17) in a CS District (Sec.710). As shown on the submitted site plan the applicant proposes to operate an auto repair/ sales use within the existing structures. A special exception is required as the proposed automobile sales and service use is not permitted by right in the CS district because of potential adverse affect, but which if controlled as to its relationship to the surrounding area and to

the general welfare, may be permitted. The applicant did not provide information about the anticipated hours of operation.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to permit a firework stand (Use Unit 2) in an CS district (Sec.710); Special Exception to permit a automobile sales and service use (Use Unit 17) in a CS District (Sec.710).

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject
Tract

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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

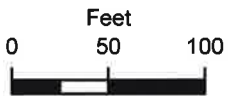
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S 265th W AVE



Subject Tract

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Aerial Photo Date: February 2018

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