

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



1000 Whitlock Avenue Proposed ATM Location Front View



1000 Whitlock Avenue Proposed ATM Location Right Side View

Recommended Action:

Approval. Security Vault Works, petitioner for the owner, Hayley-Redd, LLLP, is requesting a variance for the property located at 1000 Whitlock Avenue that would allow them to install an automatic teller machine (ATM) in the parking lot of the shopping center. The property is zoned CRC (Community Retail Commercial) and is located along Whitlock Avenue

As defined in Section 724 of the Zoning Ordinance, an *Automated teller machine* is a mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use. Further, Section 708.16(F) requires accessory structures to be located to the side or rear of the principal building.

The proposed location of the ATM is in front of the shopping center building on the site. A hardship is created because of the regulations that state any accessory use must be located along the side or back of any principal structure. It is more feasible for safety concerns that the ATM be placed in front of the principal building.



According to the submitted site plans, the proposed ATM will be 90 ft. from the existing right-of-way, and therefore will not interfere with the flow of traffic. The construction of the proposed ATM will cause the removal of only four parking spaces and will not cause any substantial interference with the public right of way.

On September 24, 2012, the Board of Zoning Appeals granted a similar variance request to allow an ATM to be located in front of the shopping center at 621 South Marietta Parkway.

Given the design of the shopping center and its parking lot, there is not a more practical location for the proposed ATM to be located. As such, ***Staff recommends approval of this variance request.***