

Move to Grant the Appeal for the following reasons:

A. The planning commission erred with respect to finding no. 3:

The conditional use permit [CUP] granted in 1994 still in effect, limited the number of “for sale” vehicles to 14. The applicant’s principal reason to expand the number of “for sale” cars falls short of meeting the finding that the expansion “will be compatible with the adjacent neighborhood.”

The applicant states that more vehicles on site will better protect them from vandalism.

Although this reason strongly suggests that the applicant has kept vehicles off site which constitutes a violation of the original condition use permit, it certainly does not meet the applicant’s burden of showing how expanding the number of cars on the lot to its maximum capacity is compatible with the adjacent neighborhood.

If anything, expanding this nonconforming use to its maximum capacity will be detrimental to the single-family home neighborhood that is immediately adjacent to this nonconforming use.

Leaving the number of “for sale” vehicles at 14 will maintain the existing character of development in the neighborhood and further the intent of the neighborhoods recently adopted T2 zoning.

B. The planning commission erred with respect to finding no. 6.

The character of the properties most impacted by this non-conforming use is residential.

Expanding the number of vehicles on the lot will increase the impact of this nonconforming use on these residential neighbors.

For example, more “for sale” vehicles means, more vehicle deliveries, more customers and more vehicle test drives which are bound to take place in and around the residential neighborhood because it is more convenient to exit the lot on Orange than it is on Arcade. This brings the impact of this expanded nonconforming use directly into a residential neighborhood.

These impacts will be detrimental to the not only the existing character of the neighborhood, it is also detrimental to maintaining the vitality of the abutting residential neighborhood.

Leaving the total number of cars at the numbers set in the 1994 CUP is consistent with the existing character of this neighborhood and better serves the intent of T2 zoning.

Based on these findings of error, I would move to grant the appeal.