

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 5, 2015****CASE NUMBER**

5939

**APPLICANT NAME**

Caskey Petroleum Equipment Repair &amp; Maintenance Inc.

**LOCATION**1751 Riverside Drive  
(Southwest corner of Riverside Drive and Club House Road)**VARIANCE REQUEST****FRONT YARD SETBACK:** To allow a 24' X 30' gas pump canopy to extend 4.1'± within the front yard setback in an R-1, Single-family Residential District.**TREE AND LANDSCAPE:** To allow no trees and landscaping.**ZONING ORDINANCE  
REQUIREMENT****FRONT YARD SETBACK:** The Zoning Ordinance requires a minimum 25' front setback for all structures higher than 3' tall.**TREE AND LANDSCAPE:** The Zoning Ordinance requires full compliance with tree and landscaping requirements when the total gross floor area of existing structures is increased or decreased by 50 percent.**ZONING**

R-1, Single-family Residential District

**AREA OF PROPERTY**

0.4± acres

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

No traffic impacts anticipated by this variance request.

**URBAN FORESTRY  
COMMENTS**

Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

**CITY COUNCIL  
DISTRICT**

District 3

**ANALYSIS**

The applicant is requesting a Front Yard Setback and Tree and Landscape Variance to allow a 24' X 30' gas pump canopy to extend 4.1'± within the front yard setback in an R-1, Single-family Residential District and to allow no trees and landscaping. The Zoning requires a minimum 25' front setback for all structures higher than 3' tall and full compliance with tree and landscaping requirements when the total gross floor area of existing structures is increased or decreased by 50 percent.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Applicant's statement: *The property has been used as a gas station and convenience store (commonly known as MJ Express) for over 20 years. Hours of operations are Monday thru Sunday 6am to 11pm.*

*The **immediate plans are to replace the canopy** that was damaged in Katrina. Due to the size of the lot and therefore the limitations of space, the applicant request relief through this variance as the canopy will encroach the set back.*

*And in addition, a request relief from any landscaping requirements, as the entire site is concrete and there is no space to plant landscaping.*

*Respectfully we request relief from the canopy 25 ft. set-back as shown on the submitted plat of survey and from landscaping requirements.*

Although the site is zoned R-1, Single-family Residential, special conditions appear to exist as the property has been used commercially as a convenience store since the 1960's, as stated in non-conforming documents and the configuration of the lot forms a triangular shape near the canopy site, thus reducing the buildable area near this portion of the lot. GIS aerial photographs depict the presence of a 24'± x 24'± gas pump canopy that has existed on the site; however, the canopy was removed at some point after May 2011. It appears the applicant now desires to replace the canopy with an additional 3'± on both the north and south ends of the proposed 24' x 30' canopy.

It should also be pointed out that the existing commercial building is 2,409± sf., the existing canopy is 576± sf. and the proposed canopy is 720 sf. As proposed, the removal of the existing canopy and the erection of the proposed canopy equates to a total gross floor area of 1,296 sf. In

accordance with Section 64-4.E.2.b. of the Zoning Ordinance, if the total gross floor area of existing structures is increased and / or decreased by at least 50%, full site compliance with the tree and landscaping requirements of the Zoning Ordinance is required. Although the applicant has submitted a Tree and Landscape Variance request, upon further review, it appears that 1,485 sf. would be equivalent to at least 50% and, as the proposed improvements would only be 43% of the total gross floor area, full compliance with the tree and landscape requirements of the Zoning Ordinance would not be required at this time.

Although the proposed gas pump canopy would encroach slightly into the 25' front yard setback, the approval of this variance request would not appear to cause any traffic impacts, as mentioned in Traffic Engineering comments. Further, the applicant does not appear to be increasing the number of gas pumps which would expand the existing non-conforming business. Also, the extension of the canopy from 24' to 30' would not appear to be contrary to the public interest and actually appear to create substantial justice to the applicant and surrounding community as the extra square footage would seem to provide additional covering from the elements.

If approved, the applicant will be required to obtain the proper building-related permitting, in addition to full compliance with all other municipal codes and ordinances.

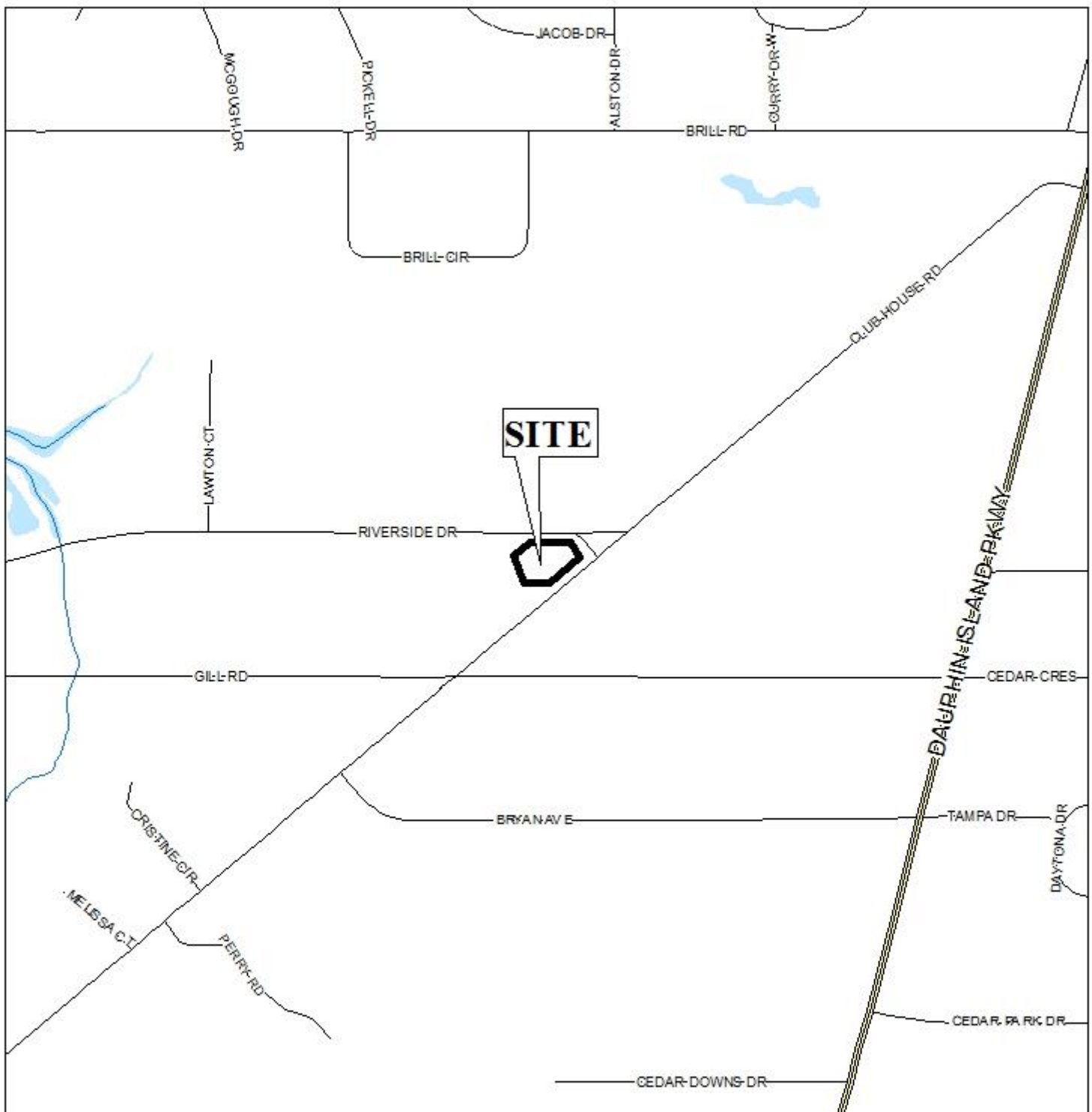
**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest given the commercial nature of the site and the proposed canopy would not appear to cause any traffic impacts;
- 2) Special conditions appear to exist, including the current site conditions and R-1 zoning and the existing lot's configuration, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance as the extended canopy would seem to provide additional covering from the elements.

The approval is subject to the following conditions:

- 1) Obtainment of proper building-related permitting; and
- 2) Full compliance with all other municipal codes and ordinances.

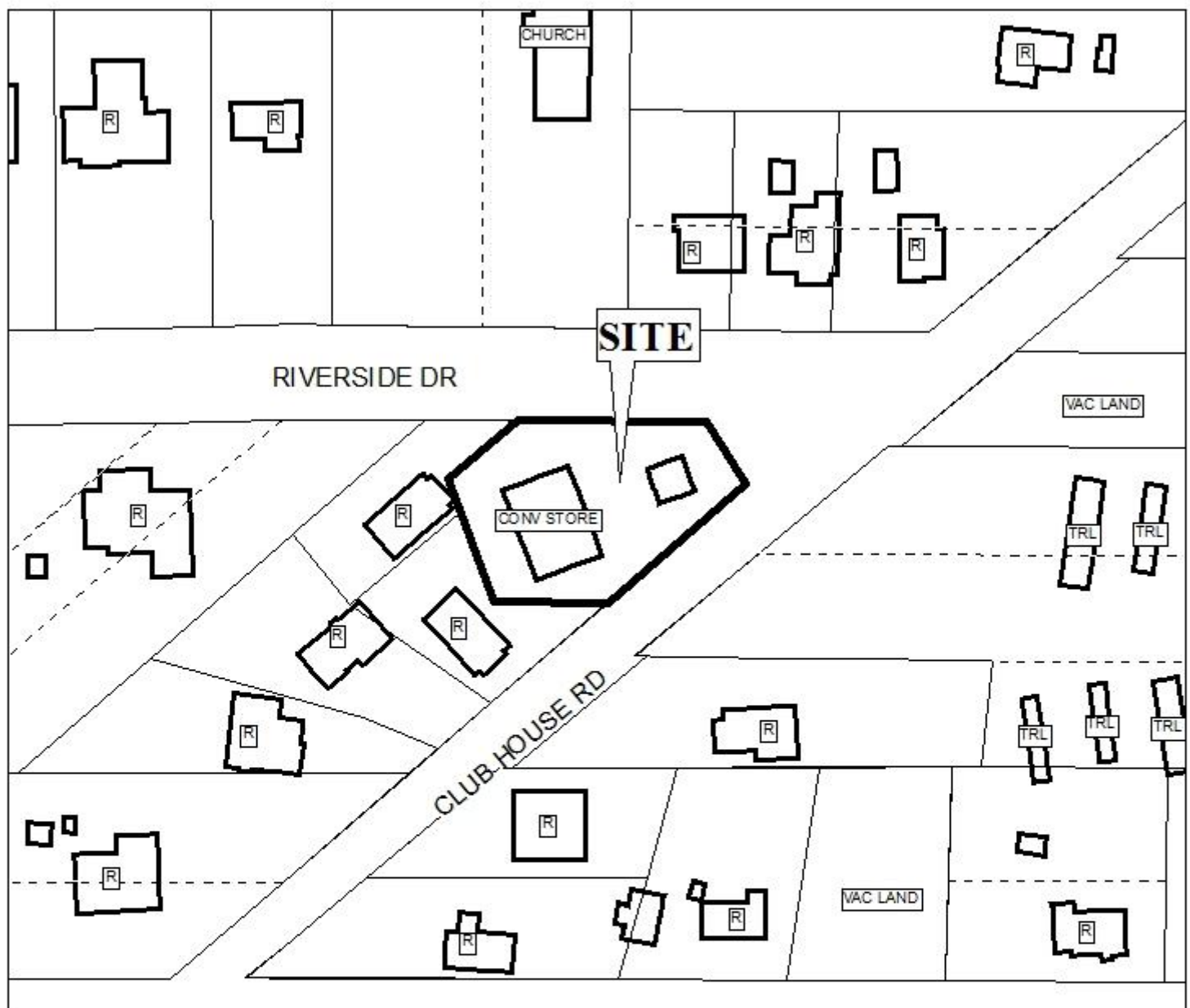
# LOCATOR MAP



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REQUEST Front Yard Setback, Tree and Landscape Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A church lies north of the site.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





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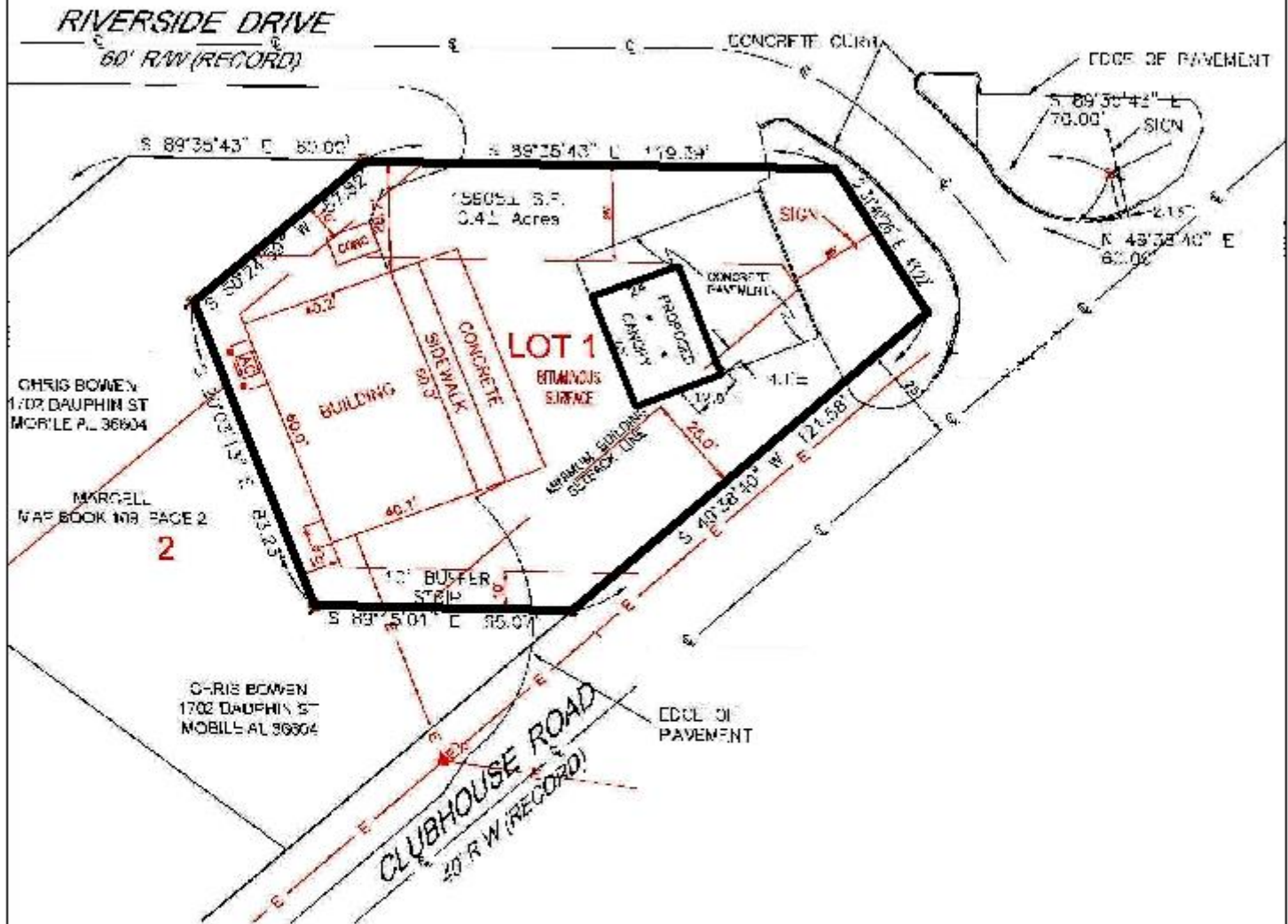


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# SITE PLAN



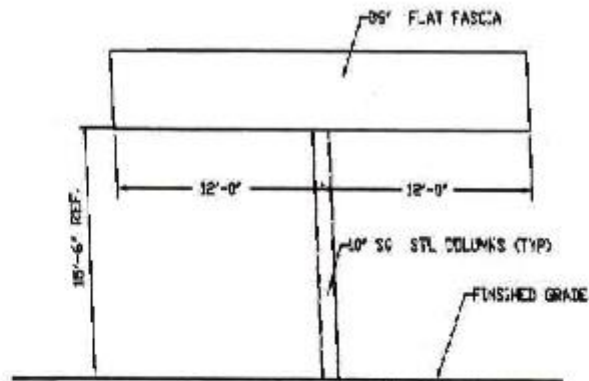
The site plan illustrates the existing building, proposed canopy, and setbacks.

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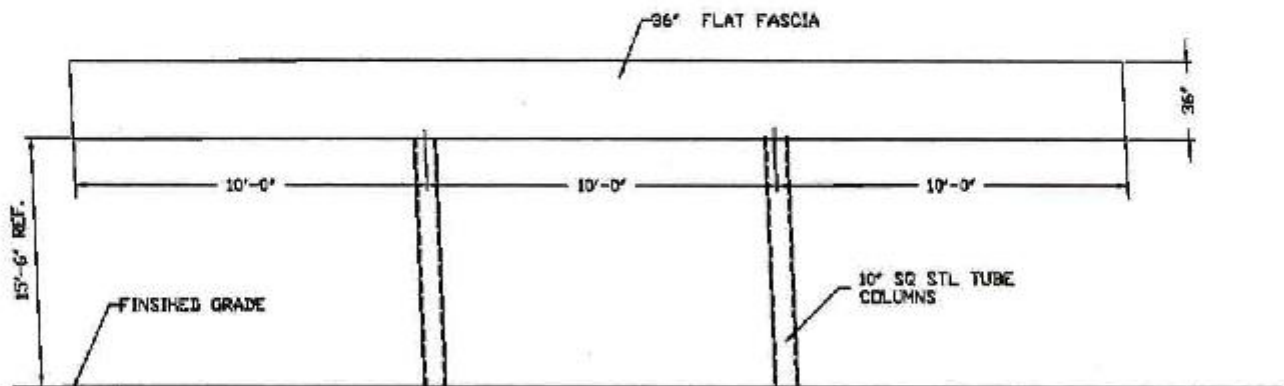


## DETAIL SITE PLAN



END VIEW

PROPOSED CANOPY END ELEVATION  
NOT TO SCALE



FRONT VIEW

PROPOSED CANOPY FRONT ELEVATION  
NOT TO SCALE

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