

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 1, 2010**

<b><u>CASE NUMBER</u></b>	5640/5506/4711/4661
<b><u>APPLICANT NAME</u></b>	Jim Barnes Enterprises, Inc.
<b><u>LOCATION</u></b>	6110 Grelot Road (Northwest corner of Grelot Road and Macarthur Place Court)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow general offices in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance requires B-1, Buffer Business District, for general offices.
<b><u>ZONING</u></b>	R-1, Single-Family Residential
<b><u>AREA OF PROPERTY</u></b>	2.9± Acres
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6

**ANALYSIS** The applicant is requesting a Use Variance to allow general offices in an R-1, Single-Family Residential District; the Zoning Ordinance requires B-1, Buffer Business District, for general offices.

The property has been the subject of three previous variances. The original variance granted in August, 1997, allowed the construction and operation of a funeral home, a B-3, Community Business District use. In February, 1998, that variance was amended to allow site plan modifications so the building could be constructed in two phases. Then in November, 2008, the second variance was amended to allow use as a youth outreach community center which would otherwise require Planning Approval by the Planning Commission. The applicant now proposes to use the site for general offices and since this type use is dissimilar from the previously approved uses, a new variance would be required.

The site is proposed as general offices for the local McDonald's restaurant franchise. Regular staff would consist of four full time employees and three supervisors. Orientation sessions would be held once a week for about 25 people and a monthly manager's meeting would include

approximately 50 people. As the site was originally developed as a funeral home with 139 parking spaces, it more than adequately meets the 30 required parking spaces for office use of the 8,982 square-foot building. The site was developed in 1998 in compliance with the current commercial development standards; therefore, no site modifications would be required.

The variance is requested instead of rezoning to B-1 by the reasoning that the site adjoins Macarthur Place Court, a residential street, and a variance would keep the property more in character with the neighborhood. R-1 properties and uses adjoin the site to the North and are located across Macarthur Place Court, and general office use would have a minimal impact on the immediate residential neighborhood.

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.

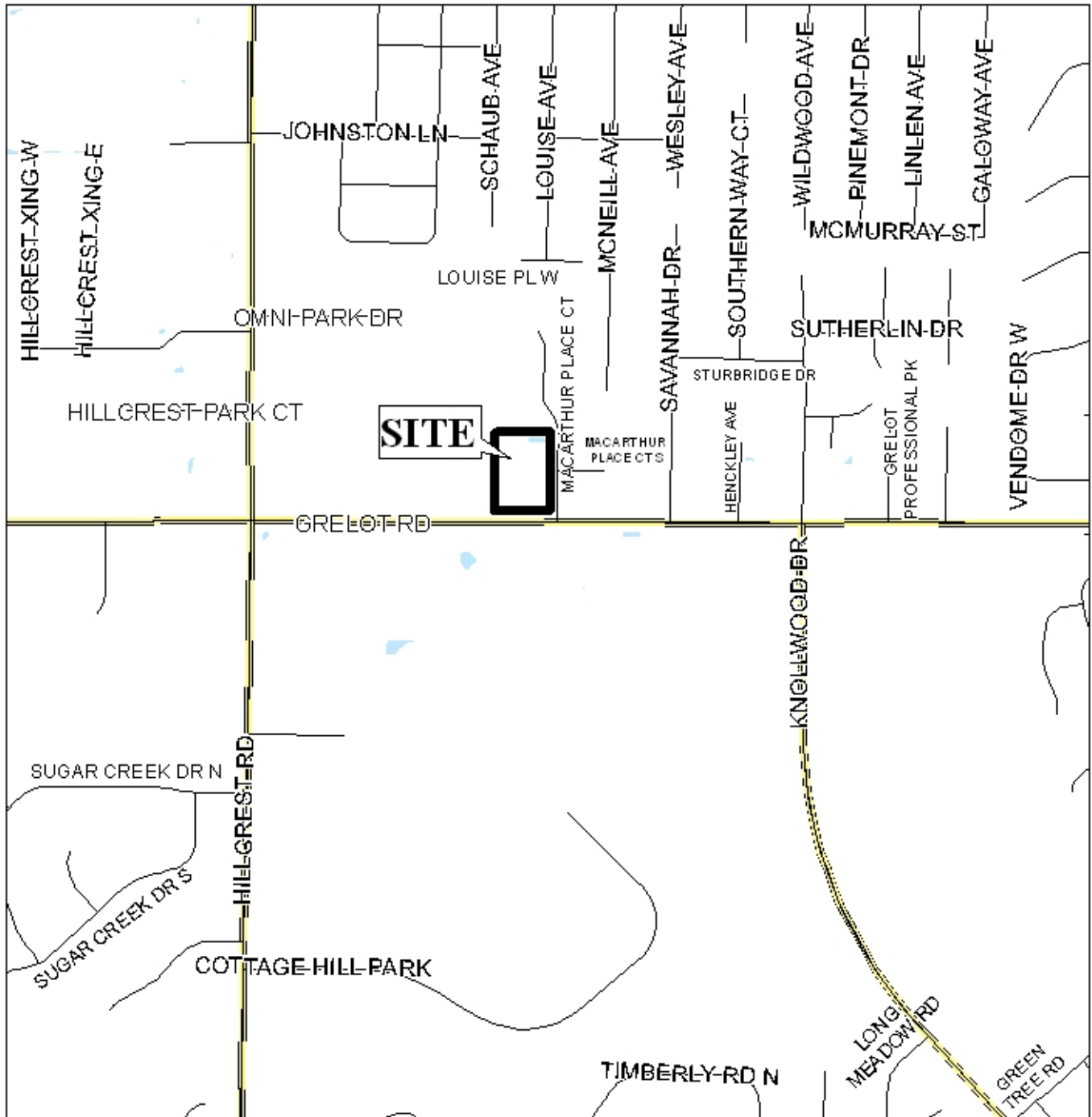
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The proposed general office use would be a lower level of activity than the previous funeral home and youth outreach community center uses, and the Board should consider this request for approval.

**RECOMMENDATION:** Based on the preceding, this application is recommended for approval, subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A church is to the south of the site, single family residential units are to the east, residential land use is to the north, and a mini-storage business is to the west.

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LEGEND

R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2



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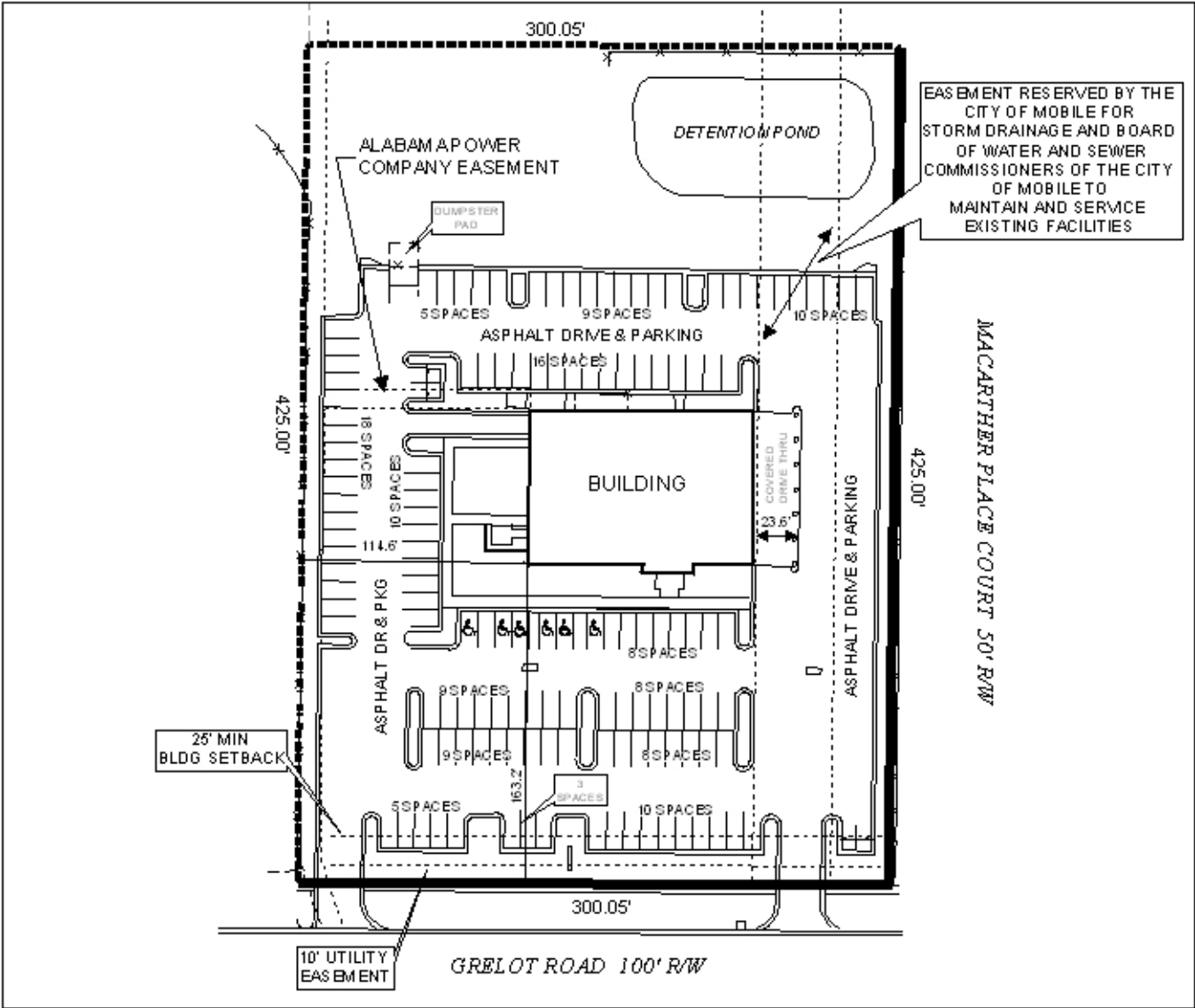
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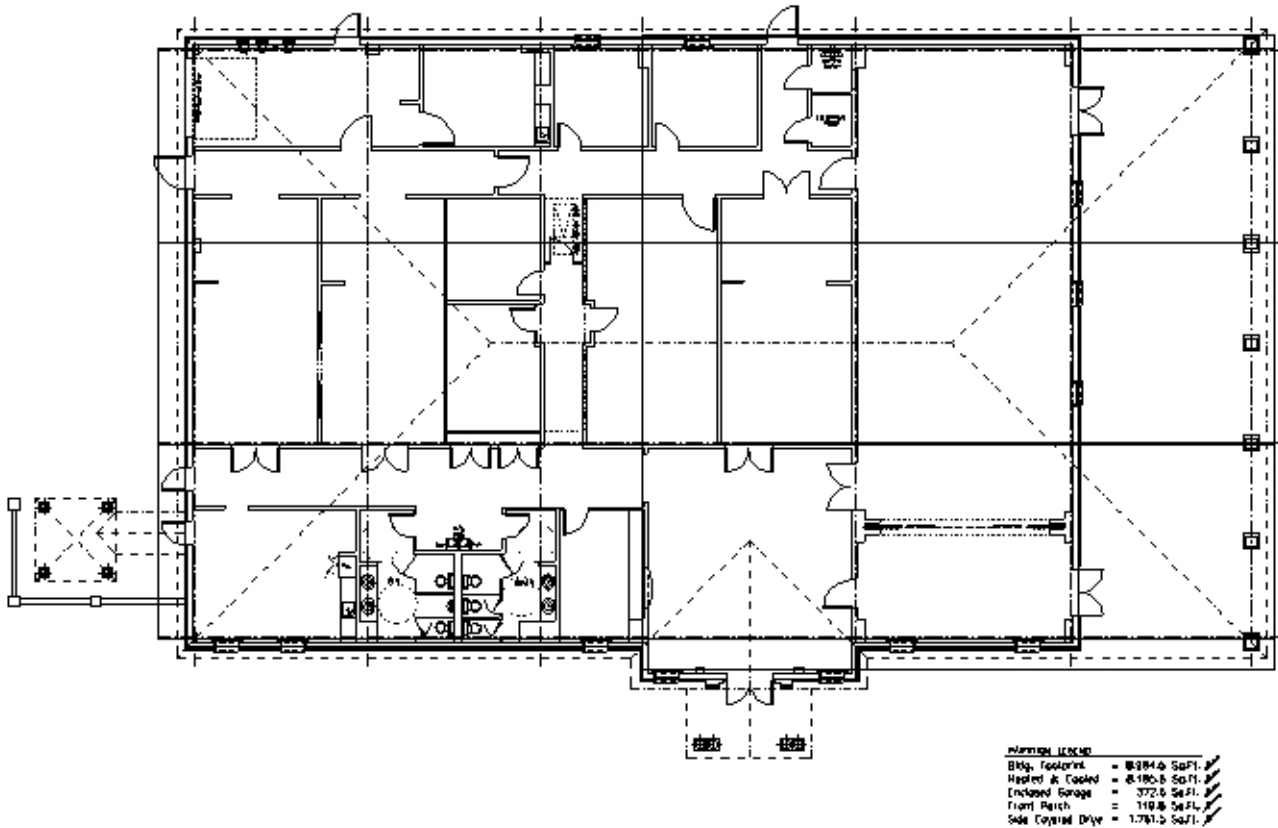
# SITE PLAN



The site plan illustrates parking, easements, and setbacks.

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# FLOOR PLAN DETAIL



*EXISTING FLOOR PLAN*

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