

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 4, 2012**

<u>CASE NUMBER</u>	5754
<u>APPLICANT NAME</u>	Ray Jones
<u>LOCATION</u>	601 South Craft Highway (Northwest corner of South Craft Highway and Osage Street).
<u>VARIANCE REQUEST</u>	USE: To allow the operation of a convenience store, carwash and food service trailer in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance requires a minimum B-2, Neighborhood Business District.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	2.3± Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	
<u>CITY COUNCIL DISTRICT</u>	District 1

ANALYSIS The applicant is requesting a Use Variance to allow the operation of a convenience store, carwash and food service trailer in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum zoning of B-2, Neighborhood Business.

The applicant proposes to re-occupy an existing 500 square foot structure as a convenience store, to use an approximate 19-foot x 16-foot area as a car wash and place a 9-foot x 20-foot trailer to use for food services.

The current property owner has a business located in the other structure and has a current business license under Wilson Marble & Granite Studio a B-3 use. Mr. Wilson's granite and marble business predates the Zoning Ordinance and is grandfathered; however, any additional uses as in this case require rezoning or the approval of a Use Variance from the Board of Zoning Adjustment.

The applicant states the business will be open seven days a week from 7 AM to 7 PM, employing 3 people with approximately 100 customers per day.

The applicant submitted a site plan illustrating all structures (existing and proposed), parking, access and maneuvering area. It should be noted that the Ordinance requires that the carwash facility shall be enclosed on at least two sides and be covered by a roof; vehicles must be screened from view with a 3-foot to 5-foot tall evergreen hedge and all waste shall be discharged into the storm sewer. Additionally, prior to disposal into the sanitary sewer, the water must go through an approved oil/water separator as well.

The site plan illustrates the location of seven parking spaces (4 within the parking area and 3 within an existing carport), which exceeds the required six spaces for the uses specified; however, the location of the carwash would prohibit the applicant from meeting the structural requirements of a carwash. Therefore, recommendation of the site design would be necessary, if the Board were to even consider the application for approval.

The location of the food service trailer meets the required minimum building setback; however, it does invite drive up customers parking within an area not designated as parking and to possibly block the travel aisle of the driveway. Therefore, if approved, the applicant should illustrate on the site plan parking spaces on either side of the food service trailer to allow patrons to park out of the driveway aisle.

The site plan illustrates several existing trees and landscaping; however, the site plan does not illustrate compliance (existing or proposed) with landscaping and tree requirements of the Ordinance if considered for approval.

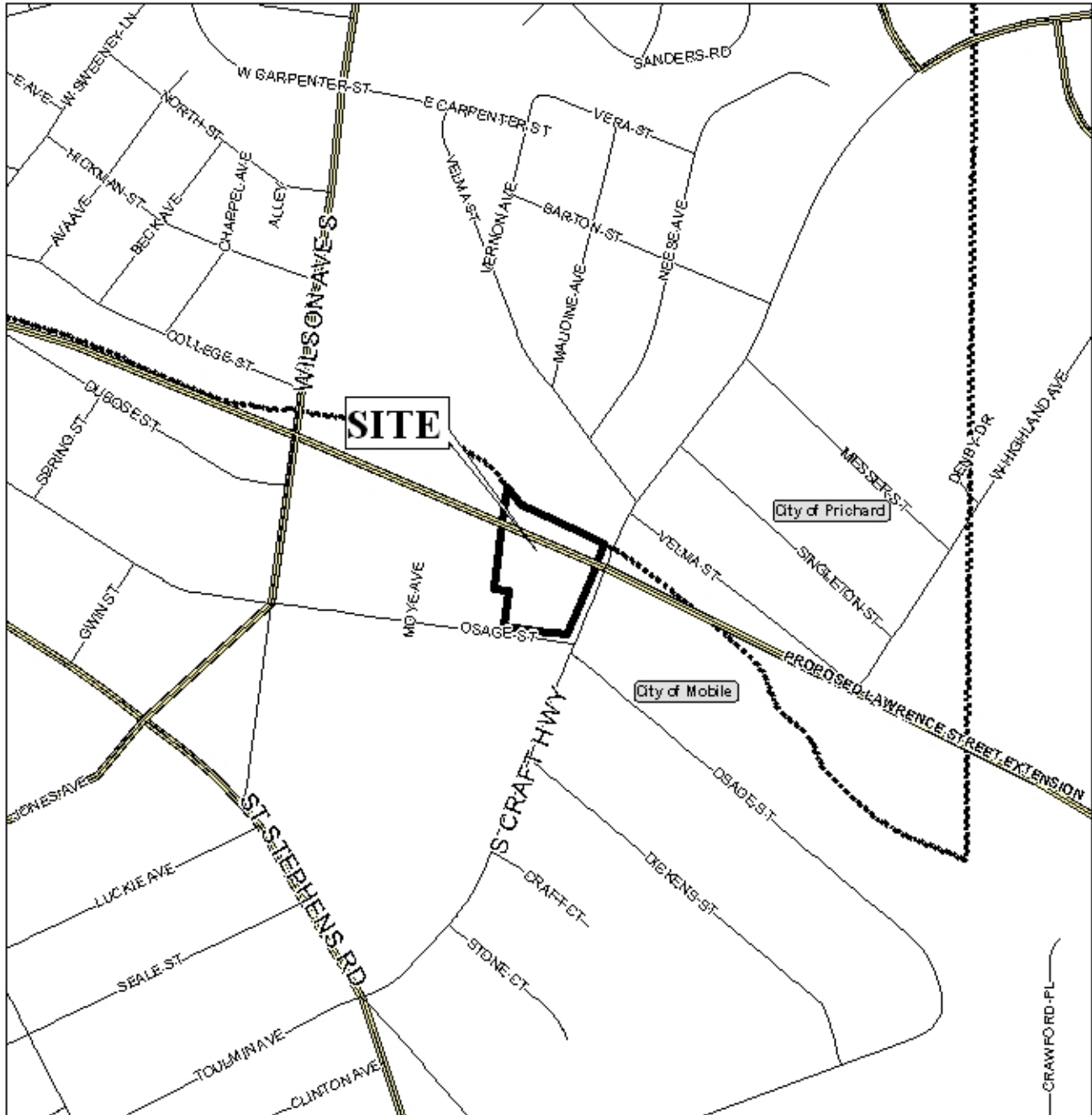
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 applicant did not state what, if any, hardship exists on the property that would keep it from being used in compliance of the Zoning Ordinance. There is no hardship or special circumstance readily apparent. Further, the carwash sign seems to have been installed without any permits or approvals. The fact that the business is there without proper approvals or permits is not sufficient to grant a variance, as this is a self-imposed hardship.

RECOMMENDATION: Based upon the preceding, the application is recommended for denial as no hardship or special circumstance exists.

LOCATOR MAP



APPLICATION NUMBER 5754 DATE June 4, 2012
APPLICANT Ray Jones
REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

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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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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**

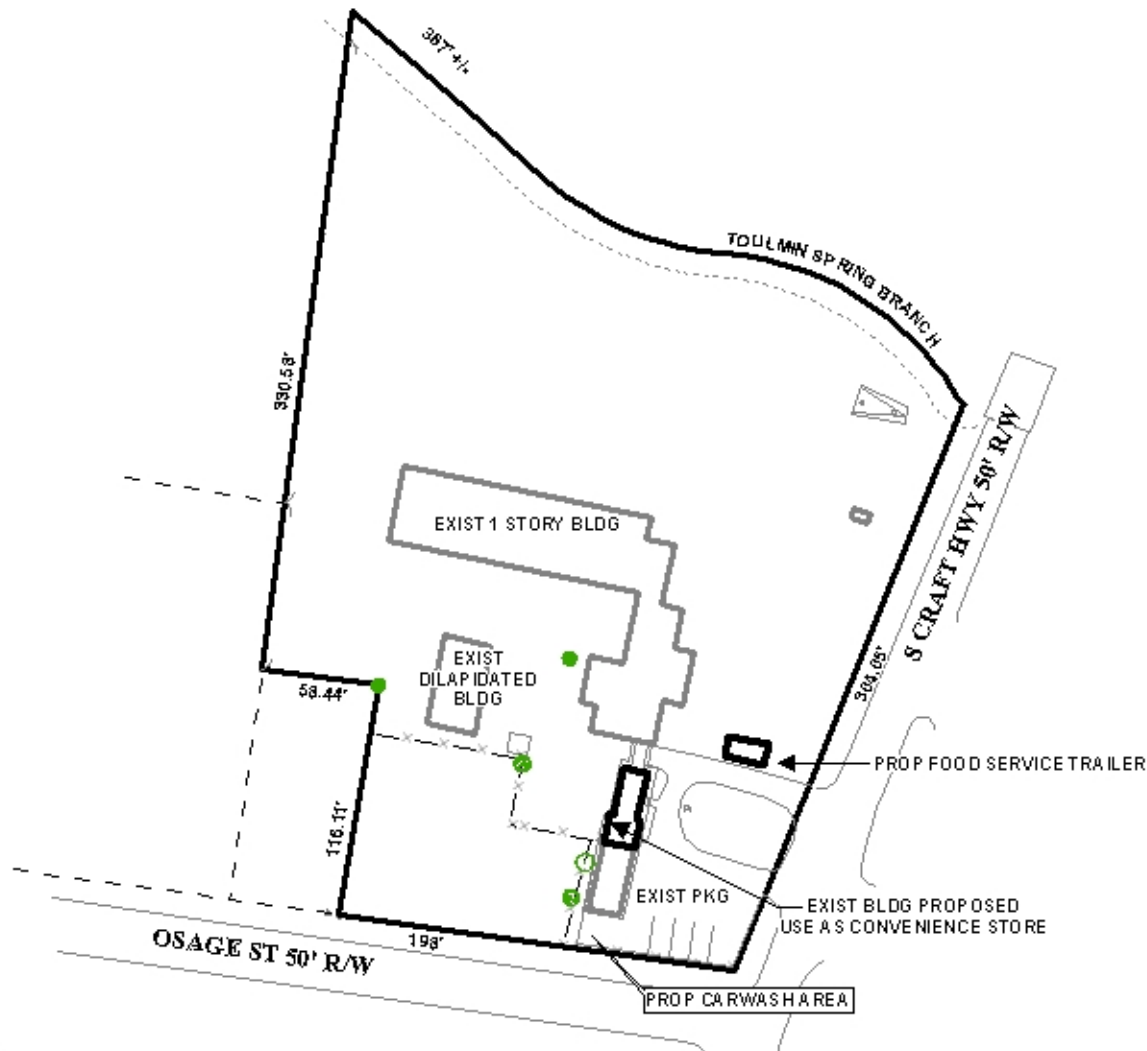


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SITE PLAN



The site plan illustrates the existing structures, parking, proposed food service trailer, proposed convenience store, and proposed carwash area.

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