

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 6, 2013****CASE NUMBER**

5830/5465/1793

APPLICANT NAME

Christopher C. Knowles, IV

LOCATION650 Palm Street
(Northeast corner of Palm Street and Cotton Street)**VARIANCE REQUEST****USE:** Use variance to amend a previously approved Use Variance allow a car wash business in an R-1, Single-Family Residential District.**SIDE YARD SETBACK:** Side Yard setback variance to allow the construction of a carport within 5 feet off the side property line.**REAR YARD SETBACK:** Rear yard setback variance to allow the construction of a carport within 5-feet off the rear property line.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for a car wash.**SIDE YARD SETBACK:** The Zoning Ordinance requires a side yard setback of at least 10 feet from adjacent residential properties for commercial uses in an R-1, Single-Family Residential District.**REAR YARD SETBACK:** The Zoning Ordinance requires a rear yard setback of at least 10 feet from adjacent residential properties for commercial uses in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

0.12 ±Acres

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

CITY COUNCIL
DISTRICT

District 5

ANALYSIS

The applicant is requesting a Use, Side Yard Setback and Rear Yard Setback Variances to amend a previously approved Variance to allow a car wash within a carport 5-feet off a side and rear property line in an R-1, Single-Family Residential District.

The applicant states that the purpose of the application is to bring the property into compliance and that the applicant wishes to amend a previously approved Use, Parking Ratio and Access/Maneuvering Variances to allow the addition of a 12-feet x 21-feet metal carport to be used as a car wash 5-feet from the side and rear property lines.

The applicant does not state that this would be an additional use to the previously approved Use, Parking Ratio and Access, Maneuvering Variances approved in 2008. Therefore, if this is an additional use variance request the applicant should also have included the previously approved Parking Ratio and Access/Maneuvering variances as well.

Regarding the setbacks, the applicant does not state that the site has any hardships associated with the proposed expansion of structure and use. As such, the size and shape of the property does not appear to present a hardship and the property has been so developed to render minimal landscaped area or room for any compliant modifications.

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.

Regarding the proposed additional use of the site for a car wash, the applicant did not include any information regarding the number of customer chairs that would be maintained in the structure, nor the number of employees. Due to the size of the property, there is limited room for vehicular parking, and as 9 parking spaces are depicted on the site, staff questions where there will be adequate room for maneuvering while still maintaining access to the parking spaces provided for customers and employees. Moreover, the applicant does not illustrate the compliance with the conditions of the previously approved variances *1) applicant shall coordinate with Urban Forestry on landscaping requirements; 2) revision of the plan to show a 6 ft privacy fence between the subject property and the adjoining residential property to begin even with the northwest corner of the building, being no less than 20.3 ft from Palm Street; 3) revision of plan to depict a dumpster or submittal of a statement that a dumpster is not being provided; 4) revision of the plan to indicate curbing, landscaping or edging between the parking*

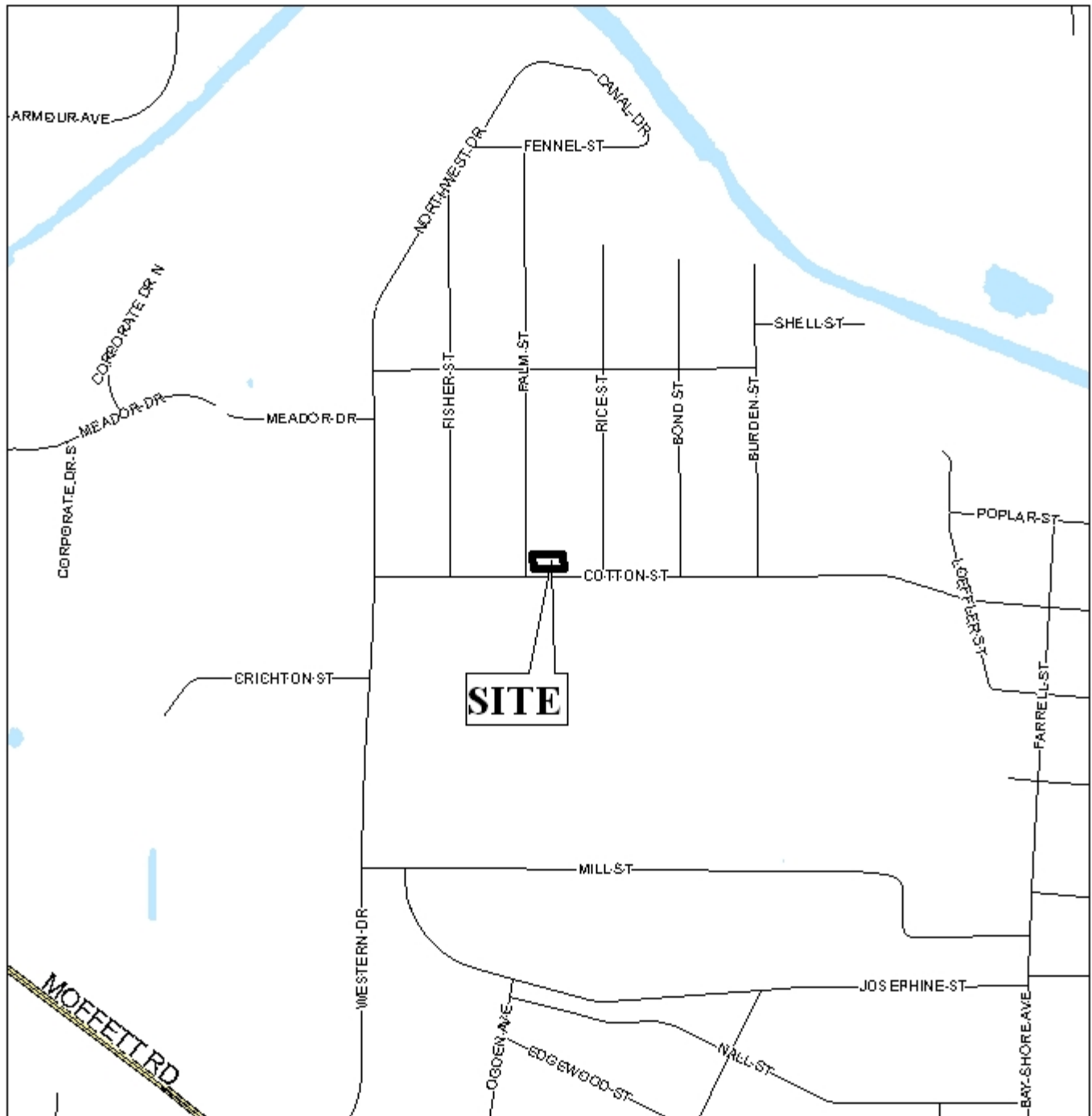
area and public right-of-way; and 5) modification of the plan to depict a one way drive with traffic entering from Cotton Street and exiting onto Palm Street.

Regarding setbacks, staff agrees that the size of the site and the setback requirements from the adjacent residential properties to the side and rear do not present a hardship as it relates to the creation of buildable area. As this specific setback request is related to the use variance request, however, a denial of the use and setback variance request may be appropriate.

RECOMMENDATION: **USE, SIDE YARD SETBACK AND REAR YARD SETBACK:** Based upon the preceding, the Use, Side Yard Setback and Rear Yard Setback Variances are recommended for denial for the following reasons:

- 1) the applicant has failed to show that the requests are based upon a hardship relating to the property;
- 2) there is an existing use allowed by Variance that can operate on the site;
- 3) the variance will be contrary to the public interest due to the potential to encumber adjacent property rights with vehicle loading/unloading activities, or the parking of customers or employees; and
- 4) special conditions do not exist that a literal enforcement of the use provisions of the Zoning Ordinance will result in an unnecessary hardship.

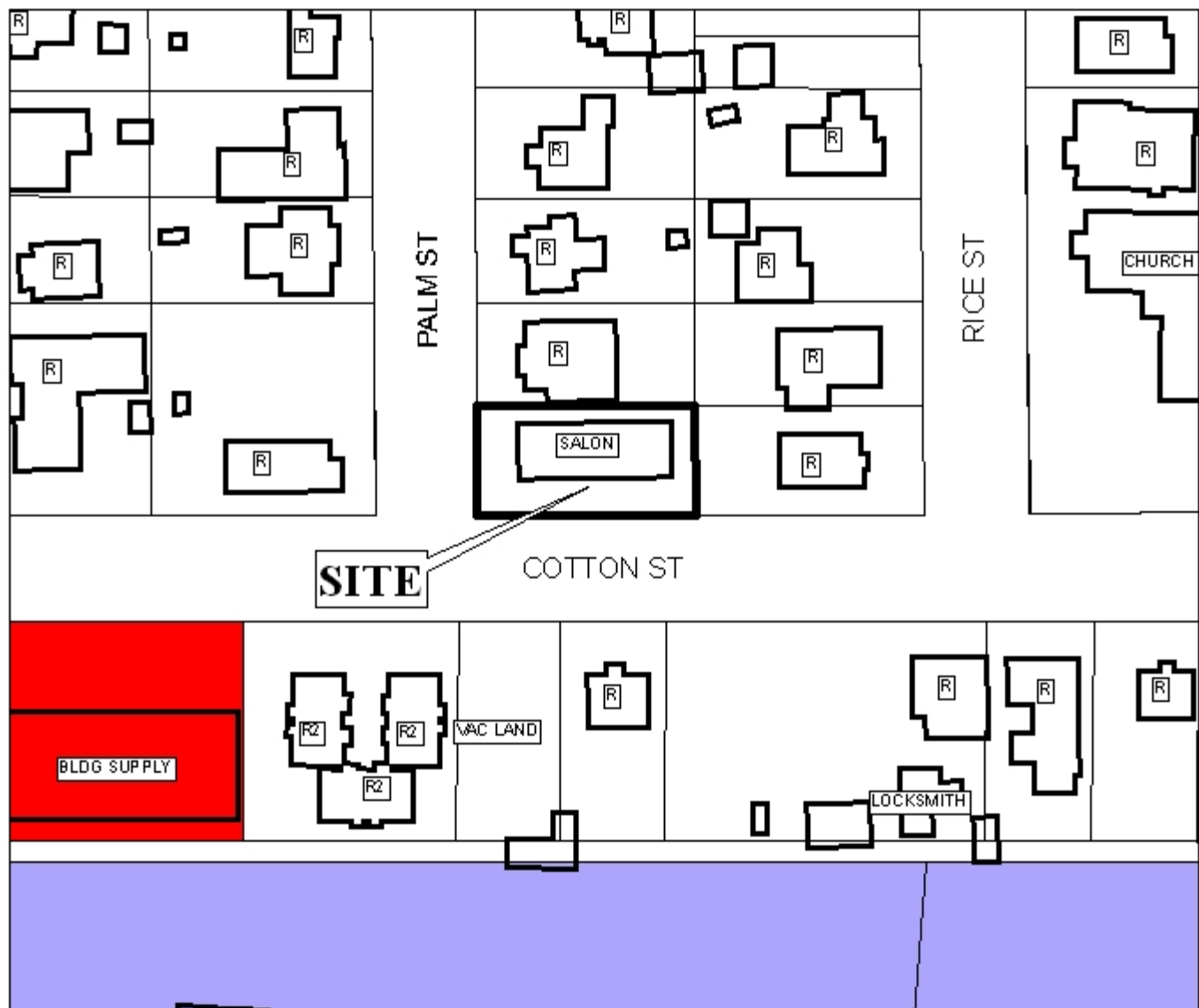
LOCATOR MAP



APPLICATION NUMBER 5830 DATE May 6, 2013
APPLICANT Christopher C. Knowles, IV
REQUEST Use, Side Yard Setback and Rear Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

APPLICATION NUMBER 5830 DATE May 6, 2013

APPLICANT Christopher C. Knowles, IV

REQUEST Use, Side Yard Setback and Rear Setback Variances

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

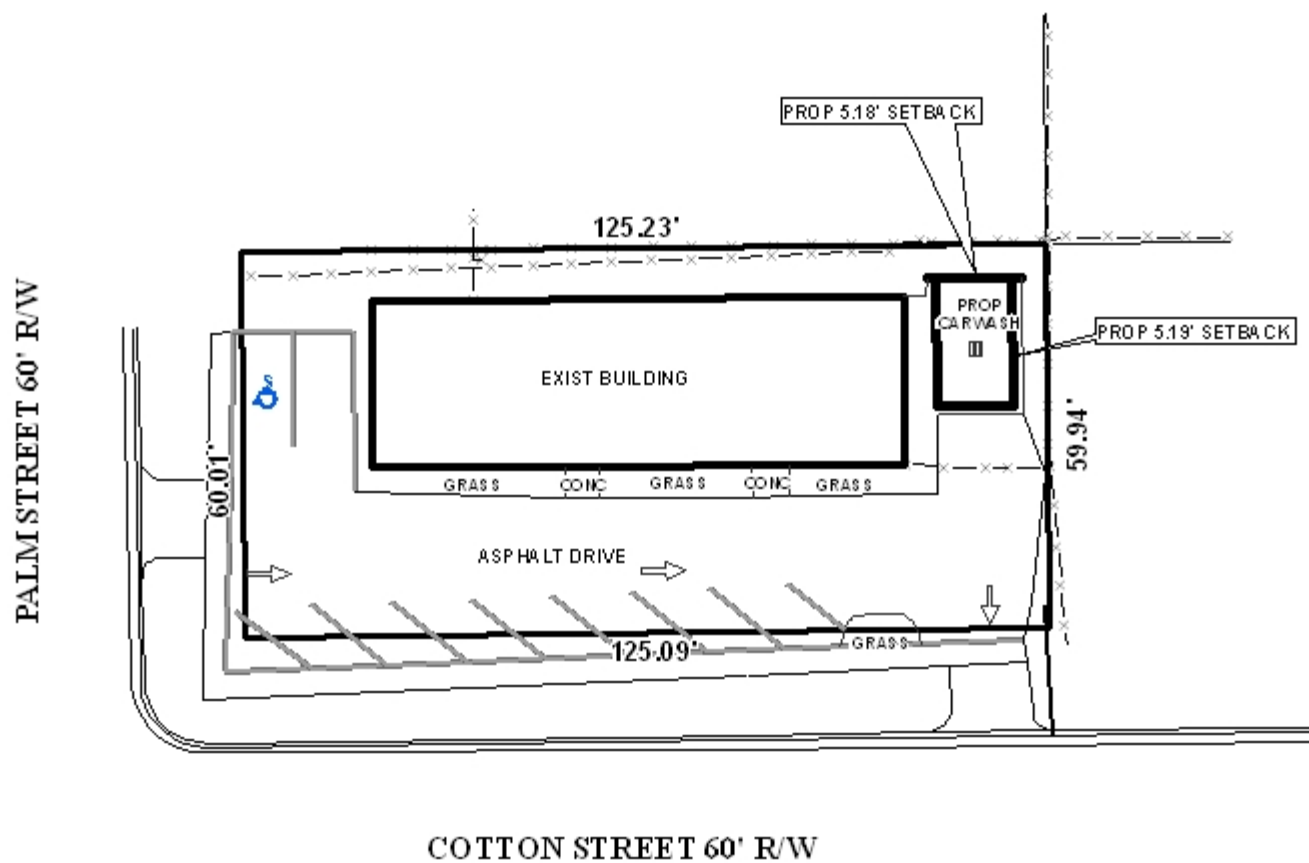


The site is surrounded by residential land use.

APPLICATION NUMBER 5830 DATE May 6, 2013
APPLICANT Christopher C. Knowles, IV
REQUEST Use, Side Yard Setback and Rear Setback Variances

N
NTS

SITE PLAN



The site plan illustrates the existing building and proposed carwash.

APPLICATION NUMBER 5830 DATE May 6, 2013
 APPLICANT Christopher C. Knowles, IV
 REQUEST Use, Side Yard Setback and Rear Setback Variances

N
 NTS