

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: May 4, 2015

CASE NUMBER

5967/4155/1652

APPLICANT NAME

John D. McCampbell

LOCATION

1564 Duval Street
(North side of Duval Street, 255'± East of Antwerp Street)

VARIANCE REQUEST

USE: Use Variance to allow a barber shop and barber school in an R-1, Single-Family Residential District.

TREE PLANTING: Tree Planting Variance to allow no perimeter tree plantings.

ACCESS/MANUEVERING: Access/Maneuvering Variance to allow 18' drive aisles for two-way traffic.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a minimum B-2, Neighborhood Business District for the operation of a barber shop and barber school.

TREE PLANTING: The Zoning Ordinance requires 14 perimeter tree plantings.

ACCESS/MANUEVERING: The Zoning Ordinance requires a minimum of 24' drive aisles for two-way traffic.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

.23± Acres

**ENGINEERING
COMMENTS**

No Comments

**TRAFFIC ENGINEERING
COMMENTS**

It should be noted that based on the provided site plan and the striping layout, the aisle width varies from 17'-18', and that the parking spaces also do not meet the minimum requirements as outlined in the Zoning Ordinance.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use, Tree Planting, and Access/Maneuvering Variances to amend a previously approved variance to allow a barber shop and barber school with no perimeter tree plantings, and 18' drive aisles for two-way traffic in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum B-2, Neighborhood Business District for the operation of a barber shop and barber school, 14 perimeter tree plantings, and 24' wide drive aisles for two-way traffic.

The site was first granted a use variance in 1962 to allow a warehouse, then at the Board of Zoning Adjustment's December 7, 1987, meeting to allow a beauty/barber shop and gift shop. The applicant now wishes to expand the barber shop to include a barber school.

The applicant states that:

The existing barber shop has been operating under a nonconforming use for many years. The owner wants to turn the existing barber shop into a barber shop in the front of the building and barber shop school in the back of the building. The hours of operation will be 8:30 am to 3:00 pm Monday through Saturday. No improvements will be made to the subject property. The barber shop and barber shop school will begin operating upon approval.

We are also asking for a variance to omit the sideline trees because the trees on the adjacent properties are too close to plant the required trees.

In addition to those two variances we are also asking for a variance on the parking aisle

The site plan illustrates 12 parking spaces, however it is difficult to determine if this number of parking spaces is adequate because the square footage of the barber shop is not provided, nor is the proposed number of students. The applicant should provide this information to staff to determine if adequate parking will be provided.

A dumpster is illustrated on the site, but no mention is made of if the dumpster is connected to sanitary sewer or if there is a compliant dumpster enclosure. Aerial photos show the dumpster on since 2002. The site plan should be revised to illustrate a compliant enclosure such as required by Section 64-4.D.9. of the Zoning Ordinance.

Wooden and chain link fences are illustrated on the site plan, but no heights are provided. Street view images of the site show the parking area to be primarily chain link fence. The site plan should be revised to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance.

The site plan illustrates the site will have sufficient landscape areas, and illustrates 3 frontage trees to be provided along Colgin Street, with no trees illustrated along Duval Street. The site plan should be revised to provide at least 1 tree along both Duval Street and Colgin Street, and/or show existing trees on Colgin Street, which may negate the requirement for new trees.

The site plan illustrates a drive aisle width that varies between 17' and 18', with 45° angle parking that is sub-standard. While the parking spaces are all angled in the same direction, the site plan illustrates a "turn around area" near the curb-cut to Duval Street. Although not ideal, it appears that the site has functioned in this manner since at least 1997.

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.

RECOMMENDATION: Based on the preceding, the application is recommended for holdover for the June 2, 2015 meeting, with the following revisions due by May 18, 2015:

- 1) revision of the site plan to indicate the square footage of the barber shop, and number of students for the barber school;
- 2) revision of the site plan to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance; and
- 3) revision of the site plan to illustrate at least 1 frontage tree along both Duval Street and Colgin Street and depiction of existing trees on site.

Revised for the June 1st meeting:

The application was heldover to allow the submission of additional information. The applicant revised the site plan to indicate the square footage of the barber shop as well as the number of students proposed to be taught at the barber school. According to the site plan, the barber shop will occupy 981 square feet, and the barber school will have 10 students, based on this information, the 12 existing parking spaces will be more than sufficient to accommodate the minimum parking requirements.

The site plan was also revised to indicate that a wooden fence will be erected on either side of the site to provide a residential buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance.

Per staff comments, the site plan has been revised to provide one heritage tree along Duval Street, which in combination with existing trees along Colgin Street, meets the minimum frontage tree requirements.

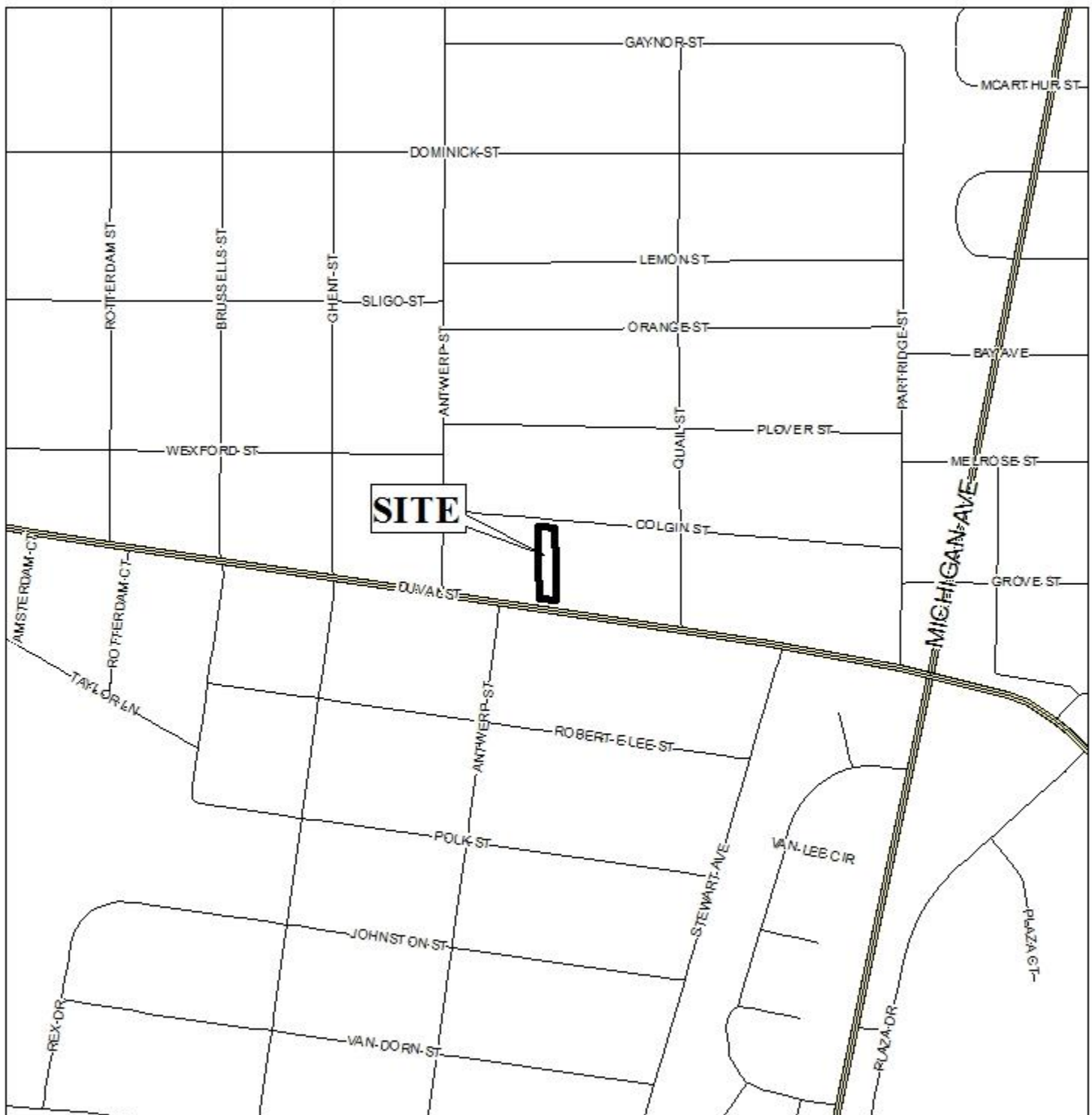
RECOMMENDATION: *Based on the preceding, staff recommends to the Board the following findings of fact for Approval:*

- 1) *Approving the variance will not be contrary to the public interest due to the fact that the barber shop has operated at the location since 1987, and the addition of a barber school will not drastically change the character of the business;*
- 2) *Special conditions do exist with this site such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship, because the site is already developed, and there is no additional room to provide wider drive aisles nor perimeter trees; and*
- 3) *That the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance due to the fact that the site has been commercially utilized since 1962 with little disturbance to the surrounding area.*

The approval is subject to the following conditions:

- 1) *obtain all necessary building permits; and*
- 2) *full compliance with all other municipal and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 5967 DATE June 1, 2015

APPLICANT John D. McCampbell

REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. An office lies south of the site.

APPLICATION NUMBER 5967 DATE June 1, 2015

APPLICANT John D. McCampbell

REQUEST Use Variance

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



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



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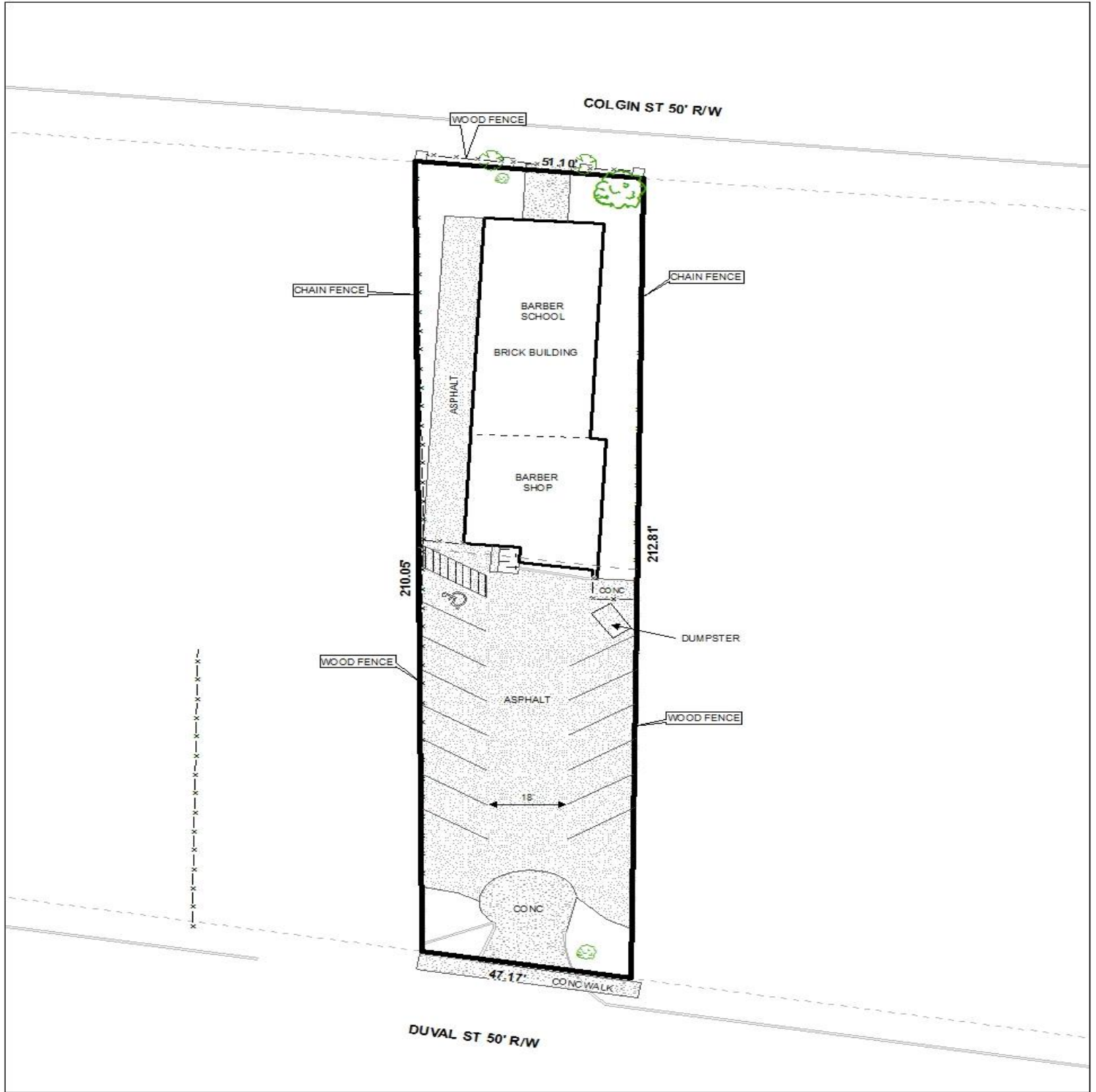
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SITE PLAN



The site plan illustrates the existing building, dumpster, parking, and fences.

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