

To: **Committee of Adjustments**
From: **Melissa Sonnek, City Planner**
Date: **January 19, 2021**

Variance to Allow an Increase in Maximum Side Yard Car Wash Building Setback at 1949 Robert St. – Crew Carwash

REQUEST:

Crew Carwash has requested a variance to allow an increase from the maximum allowable side yard car wash building setback, a variance of 56ft., to allow a setback of 66ft. This variance request has been submitted in conjunction with a site plan application for the construction of a car wash at 1949 Robert St.

ATTACHMENTS:

Application and Narrative
Notice
Draft Findings of Fact
Site Plan



CURRENT USES AND ZONING:

	Use	Zoning
Subject Property	Commercial <i>(Previous – Bakers Square)</i>	B3 – General Business
Properties to North	Commercial <i>(Southview Square)</i>	B4 – Shopping Center
Properties to East	Residential <i>(Southview Country Club)</i>	R1 – Single Family Residential
Properties to South	Commercial <i>(Aspen Dental/Med Express)</i>	B3 – General Business
Properties to West	Commercial <i>(Southview Garden Center)</i>	B3 – General Business

VARIANCE REQUEST:

- 1. Variance to allow an increase from the maximum side yard building setback, variance of 66 feet.**

153.382 AUTO-RELATED USES – Car Washes

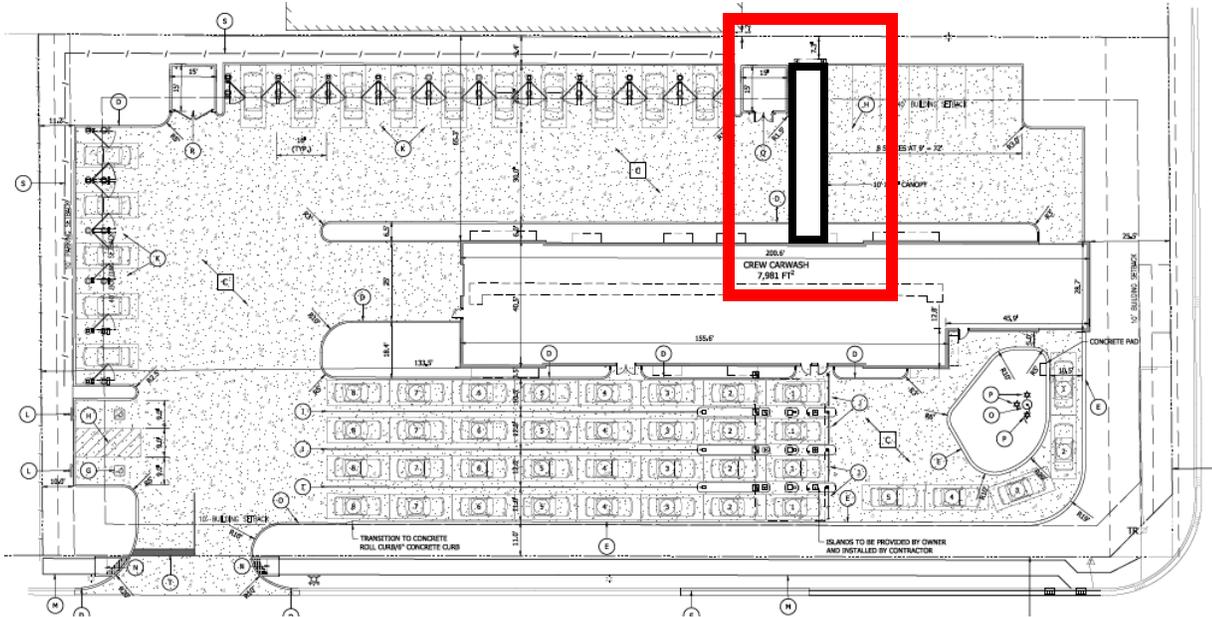
	Building Setbacks	Proposed
Front Yard <i>(Robert St)</i>	0 – 60ft.	25ft.
Side Yard <i>(North)</i>	0 – 10 ft.	66ft.
Side Yard adj to S <i>(South)</i>	0 – 20ft.	11ft.
Rear Yard <i>(West)</i>	40ft. min.	133ft.

As detailed above, the code outlines unique setbacks for all auto related uses; car washes, motor fuel stations, and vehicle repair all have their own setback requirements. The design of car washes has greatly changed since the 1970’s, when the above code language was written. In the 1970’s, the typical car wash was wider and designed to offer a different type of car wash service (self-serve/self-wash), while today, car washes are more sleek and narrow in design, offering an automatic single-file assembly line style service.

The intent of the code language was to have the building fronting the street with parking and additional site accessories placed on the side or rear of the building. The proposed site plan accomplishes this (the building is pushed up to both Robert and Crusader), but due to the configuration of the lot, there is additional room on the northern side of the lot which will be used for parking.

Similar to the motor fuel station code, car wash canopies can be counted as a part of the building and counted toward required setback(s). Therefore, although the applicant could construct a canopy to extend along the northern side of the building to comply with the code setbacks, it would not serve any benefit for the applicant nor increase the functionality of the site. Additionally, City Staff does not believe that adding an incidental structure was the original intention of the code.

Potential Northern Canopy Site Plan



Potential Northern Canopy Elevation



The applicant has stated that if the variance were to be granted they would be able to reduce the northern east-west drive aisle from 30ft wide down to 25ft, which would allow for additional landscaping and reduce the overall amount of impervious surface on the site.

ANALYSIS:

In reviewing Variance requests, the following section of the Zoning Code, Section 153.027 A, is utilized:

(2) Criteria for Granting a Variance: A variance may only be granted by the Committee of Adjustments when:

- a) The variance is in harmony with the general purpose and intent of the Ordinance;
- b) The terms of the variance are consistent with the Comprehensive Plan; and
- c) The applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

(3) Definition of Practical Difficulties: “Practical Difficulties” as used in connection with the granting of a variance means that:

- a) The property owner proposes to utilize the property in a reasonable manner;
- b) The plight of the property owner is due to circumstances unique to the property that were not created by the property owner; and
- c) The variance will not alter the essential character of the neighborhood.

(4) Restrictions on Granting Variances: The following restrictions shall be applied when considering granting a variance:

- a) Economic considerations alone do not constitute practical difficulties;
- b) The Committee of Adjustments may not permit as a variance any use that is not allowed in the Zoning Ordinance for property in the district where the affected person’s land is located (i.e. a use variance).

(5) Imposing Conditions: The Committee of Adjustments may impose conditions when granting a variance, however, conditions imposed must be directly related to and must bear a rough proportionality to the impact created by the variance.

REVIEW:

Staff recognizes that the following site elements create practical difficulties in complying with city code:

- Significant changes in car wash building design since the adoption of the code requirements in the 1970’s, and
- Abnormally large, wide lot size
 - This lot is exceptionally large in comparison to other B3 zoned lots along the southern portion of Robert St. Subject site – 1.39 acres
 - 1820 Robert St. (Bobby and Steve’s) - .8 acres
 - 125 Marie Ave E (Culvers) - .92 acres
 - 1845 Robert St. (Holiday) - .81 acres
 - 1950 Robert St. (Southview Garden Center) - .87 acres
 - 1963 Robert St. (Med Express/Aspen Dental) - .73 acres
 - 1973 Robert St. (Big O Tires) - .83 acres
 - 1994 Robert St. (Bank of America) - .73 acres
 - 2044 Robert St. (Magic Store) - .73 acres
 - 2045 Robert St. (Chase Bank) - .49 acres

Staff believes that the applicant is proposing to utilize the property in a reasonable way, constructing a commercial service building in a general business district, and that the request would not alter the essential character of the neighborhood. In fact, allowing a larger side yard setback will create greater buffers between neighboring structures and possible redevelopment. Therefore, City Staff does not think

that the request is detrimental to the public, nor does it present inconsistency with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the above comments, Staff recommends the Committee of Adjustments hold a public hearing and approve the variance requests subject to the attached findings of fact, including the following condition:

1. Approval of the variance is contingent upon the approval of the subsequent site plan application.
2. Variance is for Car Wash setbacks in City Code Section 153.382 (D) only.

FINDINGS OF FACT:

A proposed resolution adopting findings of fact for the variance is attached for your consideration.