

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR APPROVAL OF A COMMERCIAL SITE PLAN AMENDMENT FOR A RESTAURANT WITH A DRIVE-THRU WITH A VARIANCE TO APPENDIX B, SECTION 132-115, RELATING TO A DRIVE THRU CANOPY WITHIN THE DESIGNATED FRONT YARD AT 111 NW JOHN JONES DR.**

**WHEREAS**, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, an application for commercial site plan amendment with a variance related to an accessory structure was filed by **Michelle Kucaba**; on **October 28, 2024**, under **Case Number 24-326**, on property described herein below filed application with the City; and

**WHEREAS**, on January 6, 2025, the City Council made an inquiry into the matter and reviewed all the relevant information, and

**WHEREAS**, City Council has determined that commercial site plan meets the requirements of Section 131 of Article V of Appendix B, Site Plan Requirements.; and

**WHEREAS**, Section 132-115, Accessory building and structure yard regulations, of the City of Burleson Code of Ordinances (2005) regulates the location, construction, erection, duration, use, and maintenance of structures within the jurisdiction of the City; and

**WHEREAS**, on January 6, 2025, the City Council made an inquiry into the matter and reviewed all the relevant information, and

**WHEREAS**, the City Council finds and determines that special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity; and

**WHEREAS**, City Council finds and determines that the strict interpretation of Section 132-115 would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of Appendix B; and

**WHEREAS**, City Council finds and determines that the special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and

**WHEREAS**, City Council finds and determines that granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and

**WHEREAS**, City Council finds and determines that the request will be the minimum variance

necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of Section 132-115; and

**WHEREAS**, City Council has determined that granting the variance will be in harmony with the spirit and purpose of Section 132-115; and

**WHEREAS**, the City Council finds and determines the conditions attached to the variance, if any, are necessary to achieve the purpose of Section 132-115.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:**

**Section 1.**

City Council hereby approves a commercial site plan amendment (Case 24-326) for a restaurant with a drive-thru as shown on Exhibit "A"; and

City Council hereby grants a variance to Section 132-115 (a) of Appendix B, of the City of Burleson Code of Ordinances (2005) allowing for the erection of a drive-thru canopy in the designated front yard as shown on Exhibit "A"; and

Except as otherwise specified above or as shown on Exhibit "A", all other conditions, regulations, procedures, and rules of Section 132-115, Accessory building and structure yard regulations, of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the buildings at 111 NW John Jones DR.

**Section 2.**

This resolution shall take effect immediately from and after its passage.

**PASSED, APPROVED, AND SO RESOLVED** by the City Council of the City of Burleson, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary  
RESOLUTION

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney





## Exhibit "A" Continued

### Canopy location within highlighted red area

