

BOARD OF ZONING APPEALS STAFF REPORT
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TYPE OF APPLICATION: Major Variance **FILE #**16-021085
APPLICANT: GARY FINDELL & JIM ERCHUL
HEARING DATE: April 11, 2016
LOCATION: 427 MOUNT IDA STREET
LEGAL DESCRIPTION: Swanstroms Re L10 11 B8 Warren Lot 5
PLANNING DISTRICT: 5
PRESENT ZONING: RT1
ZONING CODE REFERENCE: 66.110 & 63.501
REPORT DATE: April 5, 2016 **BY:** Yaya Diatta
DEADLINE FOR ACTION: May 8, 2016
DATE RECEIVED: March 10, 2016

A. **PURPOSE:** The applicant is requesting two variances in order to construct a new single family dwelling on this vacant lot. 1) The zoning code requires that a primary entrance be located within the front third of the house, be off of a front porch, foyer, courtyard or similar architectural feature, and be set back at least 8 feet from the side lot line. The proposed primary entry would be located in the middle of the west side facade, beyond the front third of the house, would not have any architectural element distinguishing the door and would be setback 5 feet from the side lot line, requiring an entryway variance. 2) The zoning code limits the width of a garage door facing a public street to no more than 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage door would be 14 feet wide which is 64% of the width of the house, requiring a variance of 4 %.

B. **SITE AND AREA CONDITIONS:** This is a 32 by 99-foot vacant lot with no alley access.

Surrounding Land Use: Most buildings on Mount Ida on the block between Ravoli and Desoto Streets are duplexes.

C. **BACKGROUND:** In December 2015, the applicants requested variances (File # 15-187820) of the design standards and the maximum garage width allowed from the Board

of Zoning and Appeals (BZA) in order to construct a new single family dwelling. The following variances were requested: 1) The zoning code requires that a primary entrance be located within the front third of the house, be off of a front porch, foyer, courtyard or similar architectural feature, and be set back at least 8 feet from the side lot line. They proposed an entry in the middle of the west side facade, beyond the front third of the house, without any architectural element distinguishing the door and a setback 5 feet from the side lot line, which all required an entryway variance. 2) A garage cannot exceed 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage was 16 feet wide which was 72% of the width of the house for a variance of 12%. The variances were denied by the BZA on February 1, 2016.

The applicants are requesting similar variances, although they have slightly amended the building plans to include a service door to the garage that would be flush with the front of the garage. A service door is not a house entry door. The new plan shows a garage door width of 14 feet, which is 64% of the width of the 22 foot wide house, requiring a variance of 4 %.

D. ZONING CODE CITATIONS:

Sec. 63.110. - Building design standards.

- (a) A primary entrance of principal structures shall be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street. In addition, for one- and two-family dwellings, a primary entrance shall either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.

Sec. 63.501. - Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (4) Except in the rear yard, garage doors that face a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.

E. FINDINGS:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

There was a duplex previously located on this parcel but it was removed in 1994 and the lot has remained vacant since then. The applicants intend to purchase the parcel and construct a new single family dwelling with a two-car attached garage accessed from the street.

The zoning code requires a single family dwelling to have a primary entrance within the front third of the house; be off of a front porch, foyer, courtyard or similar architectural feature and be set back at least 8 feet from the side lot line. The plans submitted with this revised application show two doors (one door, which is flush with the front of the garage door and one door on the west side of the house). None of these doors meet the standards for an entry door. The front door is a service door to the garage. The door on the west side would be located in the middle of the west side facade, beyond the front third of the house, would not have any architectural elements distinguishing the door and would be setback 5 feet from the side lot line, all requiring an entryway variance.

The zoning code also specifies that a garage cannot exceed 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage would be 14 feet wide which is 64% of the width of the house, requiring a garage width variance of 4%.

A purpose of the design guidelines regarding the primary entrance is to maintain the neighborhood character and quality of life. The proposed house with the primary entrance located about half way down the side does not meet the intent of the zoning code. Similarly, the purpose of limiting the width of the garage to no more than 60% the width of the house is to prevent a garage from overpowering the principal structure. This lot is only 32 feet wide and a 14 foot wide garage door would certainly overpower the house; it does not meet the intent of the design requirement. This finding is not met for both requested variances.

2. *The variance is consistent with the comprehensive plan.*

The Housing Chapter of the Comprehensive Plan Strategy 3.4 encourages the creation of housing units on infill lots in order to provide housing choice and housing opportunity. However, the Comprehensive Plan also states: Infill housing should meet "... design standards so that infill housing fits within the context of existing neighborhoods and is compatible with the prevailing pattern of development." This would be the only house on the block without a primary entrance within the front third of the building and a garage door that occupies a significant portion of the width of the house. This finding is not met for both requested variances.

3. *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

This 32 foot wide lot can accommodate a single family dwelling with a one-car attached garage and a front entrance that meets the design standards without a variance. The applicant has not demonstrated that this request is due to any practical

difficulty making it impractical or unreasonable to construct a building that meets all design standards. This finding is not met for both requested variances.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

Although this lot is narrower than a typical 40-foot city lot, there are no unique circumstances that prevent the construction of a building that meets the design standards without the requested variances. This finding is not met for both requested variances.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

The requested variances if granted would not change the zoning classification of the property. This finding is met for both requested variances.

6. *The variance will not alter the essential character of the surrounding area.*

Although the proposed building would not have a front entry that goes directly into the house and would not have a garage door width that meets the zoning requirements, it would not alter the character of the area. This finding is met for both requested variances.

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter from District 5 recommending approval of the variances.
- F. **CORRESPONDENCE:** Staff has not received any additional correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 4, staff recommends denial of the requested variances.