



## Legislation Text

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**File #:** ABZA 15-5, **Version:** 1

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Public hearing to consider the appeal of Summit Hill Association to a decision of the Board of Zoning Appeals (BZA) approving variances of the front, side and rear setbacks and lot coverage requirements in order to remove the existing duplex and construct an eight - unit apartment building with underground and surface parking at 1174 Grand Avenue.

On July 24, 2015, the applicant sought and was granted approval by the City Council to rezone this property from a BC community business converted district to a RM2 multiple family district (File # 15-134693). This property currently has a duplex and a three-car detached garage, which the applicant intends to remove and construct an 8-unit building (the first and second floors have 2 two-bedroom units and a one-bedroom unit each and the third floor has 2 two-three bedroom units). Underground parking for 8 spaces would be provided and 3 off-street surface parking spaces. The applicant requested variances of the front yard setback (23.4 feet required, 20 feet proposed), the rear yard setback (25 feet required, 19 feet proposed), the side yard setback (9 feet required, 7.5 feet proposed from the east and west property lines) and the lot coverage (35% maximum allowed, 52.4% proposed) requirements from the Planning Commission early this summer but the variances were denied.

The applicant subsequently revised his plans and proposed a greater front yard setback (from 20 feet initially proposed to 22 feet), a rear yard setback of 19 feet (same setback as initially proposed), a side yard setback of 7.5 feet from the east and west property lines (same setback as initially proposed) and a smaller building footprint (from 52.4 % initially proposed to 51.4%). Since this is a new application, the applicant requested variances from the BZA.

Among purposes of these dimensional standards and lot coverage requirements are to ensure that buildings are constructed in a manner that provides regularity in pattern and spacing, to not create overly dense sites, and to not overly burden adjacent properties with impacts created by the new development. The proposed building is generally consistent with the size, the form and the setbacks of the immediate multi-family buildings to the east and to the west. The spacing provided would allow adequate light and air access to property, meeting a purpose of intent of the zoning code. The proposed lot coverage is comparable to that of the immediate buildings to the east and to the west and allows underground parking to be provided.

The proposed site development would provide housing opportunities. It is consistent with Policy 1.2 of the Housing Chapter of the Comprehensive Plan, which states: "Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing at appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice."

The size of the parcel makes it challenging to construct a multiple-family building comparable in scale, spacing and bulk to the existing adjacent apartment buildings to the east and to west of the site that are also zoned RM2. The requested variances are needed to permit a reasonable use of this property to allow a development consistent with existing spacing between buildings, the pattern of the block and the form of existing buildings in the immediate area. It also allows underground parking, which the existing buildings do not provide.

Due to the size of this parcel, developing any type of multifamily housing comparable in scale, spacing and bulk to the existing multiple-family buildings in the immediate area while meeting the current parking

requirements would be rendered impractical by the strict application of the provisions of the zoning code.

The BZA conducted a public hearing on October 12, 2015 and approved all the requested variances as recommended by staff. The District Council recommended denial of the variances.

Does this issue fall within the 60 day rule? Yes

If yes, when does the 60 days expire? November 19, 2015

Has an extension been granted? Yes

If so, to what date? January 19, 2016

YAYA DIATTA