



## Legislation Text

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**File #:** ABZA 16-2, **Version:** 1

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Public hearing to consider the appeal of Andrew Rorrig & Amanda Karls 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 construct an eight - unit apartment building with underground and surface parking at 1174 Grand Avenue.

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 public hearings on March 14, March 28 and April 11, 2016 and approved all the requested variances as recommended by staff. The District Council recommended approval of the front yard setback variance and denial of the remaining variances.

This property is located in the Hill State Historic District and in 2015, it was evaluated and determined to be a non-contributing property to the historical character of the historic district. In October of 2015, the applicant was granted the following variances (File # 15-163947) by the Board of Zoning Appeals in order to remove a previously existing duplex and construct an 8-unit apartment building with underground parking for 8 spaces on this site:

Front yard setback of 22 feet (23.4 feet required).

**Rear yard setback of 19 feet (25 feet required).**

Side yard setback of 7.5 feet (9 feet required).

**Maximum building footprint occupying 51.4% of the site (35% maximum footprint allowed).**

This BZA approval was subsequently appealed to the City Council (File # 15-172899), resulting in the BZA's decision being overturned on November 18, 2015.

The applicant re-applied for variances after reconfiguring the rear portion of the building containing a stair tower and a trash enclosure at the southeast corner, which resulted in a 22 foot rear yard setback and a building footprint occupying 47.5% of the lot. Although the new design allows a greater rear setback and a smaller building footprint, the proposed building still requires the same variances as previously requested. The current requested variances are as follows:

Front yard setback of 22 feet (23.4 feet required).

**Rear yard setback of 22 feet (25 feet required).**

Side yard setback of 7.5 feet (9 feet required).

**Maximum building footprint occupying 47.5% of the site (35% maximum footprint allowed).**

[Enter the following information:

Does this issue fall within the 60 day rule? Yes

If yes, when does the 60 days expire? April 22, 2016

Has an extension been granted? Yes

If so, to what date? June 20, 2016

YAYA DIATTA