



ZBOA Agenda Item # 3

MARCH 3, 2020

Variance Request by Dover Miller Karras Langdale & Brantley File #: APP-2020-03

Dover Miller Karras Langdale & Brantley is requesting a Variance to LDR Section 214-1, Table 1 as it pertains to setbacks and impervious maximums, a Variance to LDR Section 222-2 as it pertains to the minimum number of required parking spaces. The subject property is located at 701 N. Patterson St and consists of 0.43 acres. The property is zoned C-C (Community-Commercial) and R-P (Residential-Professional), and is within the Historic District. The property contains an existing 4435 sq. ft building, and the applicant is proposing to remove an existing garage and replace it with a 1291 sq. ft addition. (The addition is also being considered by the Historic Preservation Commission at their March 2020 meeting.)

The existing garage currently sits on the rear (eastern) property line, and is about 10 feet from the side (northern) property line. The property is dually zoned, and meets setbacks with the exception of the eastern property line. The first setback variance is to rear and side property lines in R-P zoning. R-P requires a side yard setback of 8 feet, and a rear setback of 25 feet. The proposed addition extends to both side and rear property lines, so the applicant is asking for a side yard setback variance of 8 feet and a rear yard variance of 25 feet for the proposed addition.

The second variance being requested relates to parking. The use requires 3 parking spaces per 1000 sq. ft. of GFA; this building, as is, requires 14 parking spaces. The site is currently nonconforming with a total of 13 parking spaces. The applicant is proposing to add 1291 sq. ft; since the addition is less than 50% of the existing building, the applicant is required to add parking commensurate with the addition—an additional four parking spaces—for a total of 18 parking spaces. The applicant is not proposing to add any additional parking at this time. However, the applicants have intentions of adding more parking at some point on the future on nearby property, as shown on the site plan.

The third variance relates to impervious maximums. The property is dually zoned C-C and R-P. C-C has a cap of 75%, and the C-C section of the parcel will consist of 81% impervious surface. Therefore, the applicant is asking for a 6% impervious maximum variance. (The R-P impervious portion will consist of 50% impervious after the expansion, and has a cap of 70% impervious. Therefore, there is no issue with the R-P portion of the parcel.)

The last variance that could be considered with the three requested variances is a variance to the rear yard setbacks for the rear of the existing house/deck. The rear of the existing office building is 18 feet from the rear property line, with the deck being 8 feet from the property line. This is on the R-P portion of the parcel; R-P requires 25 feet for a rear yard setback. The building was built prior to the LDR's adoption in late 2008, under a different set of regulations. If an act of nature occurred and the existing building is damaged no more than 60% of the fair market value at the time immediately prior to its damage as determined by the Director, then the building may be repaired/reconstructed its nonconforming characteristics. If the building was damaged beyond the 60%, then it could not be reconstructed as is without a variance. However, any new development triggers conformance with current standards or variances.

Variances are intended to relieve situations in which strict application of the regulations prohibits reasonable development or usage of the property. Staff has concerns about overbuilding of the property. The parking variance request is minimal; the impervious variance request is minimal. However, the setback variance request for the new addition is not minimal. There is no hardship beyond design's control for staff to be able to support the variance request.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and deny the Variance requests.