

APPLICATION NUMBER

5520

A REQUEST FOR

**USE AND LOT SIZE VARIANCES TO ALLOW THE
CONSTRUCTION OF A RESIDENTIAL DUPLEX IN AN R-
1, SINGLE-FAMILY RESIDENTIAL DISTRICT ON A 7,200
SQUARE-FOOT LOT; THE ORDINANCE REQUIRES R-2,
TWO-FAMILY RESIDENTIAL DISTRICT FOR A DUPLEX
AND A MINIMUM LOT SIZE OF 8,000 SQUARE FEET**

LOCATED AT

(Southwest corner of Randolph Street and Caruthers Way)

APPLICANT/OWNER

HOMEBUILDERS, LLC

BOARD OF ZONING ADJUSTMENT

JANUARY 2009

The applicant is requesting use and lot size variances to allow the construction of a residential duplex in an R-1, Single-Family Residential District on a 7,200 square-foot lot; the Ordinance requires R-2, Two-Family Residential District for a duplex and a minimum lot size of 8,000 square feet.

The applicant argues that the Crichton area in general is in need of new, affordable housing. The residential character of the proposal will fit completely with the existing neighborhood, and that a successful infill project can spur further residential development (duplex and single-family) in an orderly manner, to the benefit of the neighborhood. The applicant further states the neighborhood consists of 55 lots, 19 of which are vacant, 7 are being used commercially, and 3 are being (or appear to have been) used as two-family. Directly across from the subject site is a business, and catty-corner to the site is an existing duplex. With regard to the substandard-sized building site, the applicant states that the proposal would only cover 31% of the site; and the additional curb cut would help prevent overcrowding.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant stated that a duplex currently exists catty-corner from the subject site. It should be noted that that site is also zoned R-1 with no history on file of being used as Two-Family Residential. Thus, the applicant's statement cannot be confirmed. However, there is a business directly across from the subject site, which was approved by the Board of Adjustment in 1969. While there are a few other approved use variances in the vicinity for commercial development, none are for Two-Family Residential. As the presence of commercial activity in the area may be uninviting for single-family residential development, this is more of an argument for rezoning and should not be determinative in a variance case.

With regard to the minimum building site area, the site plan, as submitted, appears to be overcrowded, illustrating four parking spaces (which back into the right-of-way) and minimal open space. Developments, such as this, may be typical in innovative

subdivisions, where sufficient open space is reserved as common area; however, this lot is not part of such a subdivision. Thus, it is the staff's opinion that the site in question cannot accommodate the proposed development.

Additionally, some issues arise with regards to the additional curb cut. Typically, when subdivisions are under review by the Planning Commission, all residential lots (including corner lots) are limited to one curb cut because of their limited amounts of frontage and to preserve the residential character of neighborhoods. The site plan, as proposed, illustrates two parking areas, which is more commonly associated with multi-family and commercial development. The applicant states that the purpose of the split-parking and additional curb cut is to reduce congestion; however, the congestion is the result overdeveloping a substandard-size lot and, thus, a self-imposed hardship. Furthermore, comments from Traffic Engineering suggest that the proposed curb cut onto Randolph Street is too close to the intersection with Caruthers Way and will be denied.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. The applicant simply wishes to construct a duplex on a substandard-size lot (with an additional curb cut) in an R-1, Single-Family Residential District.

RECOMMENDATION 5520**Date: January 5, 2009**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5520 DATE January 5, 2009

APPLICANT Homebuilders, LLC (Anna Johnson, Owner)

REQUEST Use and Lot Size Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There are vacant lots to the north, west and south of the site and a supply company to the east.

APPLICATION NUMBER 5520 DATE January 5, 2008

APPLICANT Homebuilders, LLC

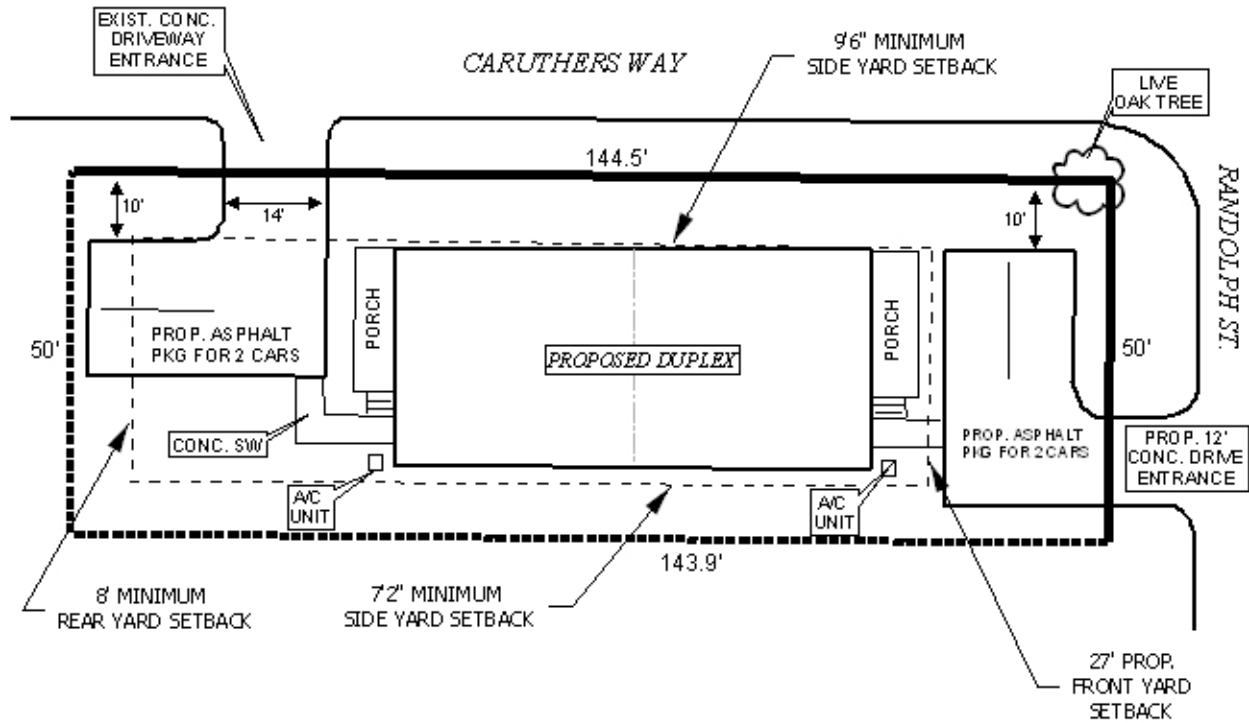
REQUEST Use and Lot Size Variances

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The proposed building, drives, parking, setbacks, and sidewalks are illustrated in the site plan.

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