

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 3, 2013****CASE NUMBER**

5839

APPLICANT NAME

Vallas Realty, Inc.

LOCATION

8 Kenneth Street
(East side of Kenneth Street, 180'± North of Dauphin Street)

VARIANCE REQUEST

USE: Use Variance to allow a four-unit multi-family complex in an R-1, Single-Family Residential district.

FRONT LANDSCAPING VARIANCE: To allow the front landscaping percentage to be reduced.

SURFACE, ACCESS AND MANEUVERING: Access and Maneuvering Variance to allow gravel driveway and parking within a 10' wide alley and maneuvering within the 10-foot alley.

BUFFER: To allow no residential buffer.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a minimum of an R-3, Multi-Family Residential district for a four-unit multi-family complex.

FRONT LANDSCAPING VARIANCE: The Zoning Ordinance requires 60 percent of the total required landscaping be within the front property line and the front plane of the building.

SURFACE, ACCESS AND MANEUVERING: The Zoning Ordinance requires all surfaces, maneuvering and access to be asphalt, concrete and located on private property.

BUFFER: The Zoning Ordinance requires a minimum of a 6-foot high solid privacy fence.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

6,588± Square Feet

ENGINEERING**COMMENTS**

If the parking surface is approved for use as requested the applicant will be required to submit a Land Disturbance Permit Application package for the proposed site development. Alley will need to remain open for access.

TRAFFIC ENGINEERING**COMMENTS**

No comments.

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use, Front Landscaping, Surfacing, Access/Maneuvering Area, and Buffer Variances to allow a four-unit multi-family complex with reduced front landscaping, gravel access/maneuvering area, and no residential buffer in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of an R-3, Multi-Family District for a 4-unit multi-family complex with full compliance with landscaping requirements, all access/maneuvering areas to be asphalt or concrete, and a compliant residential buffer.

The applicant proposes to convert a previous nonconforming five-unit, multi-family complex, into a four-unit, multi-family complex. The applicant states that the nonconformance has lapsed due to the vacancy of the use for more than two years. However, the applicant wishes to renovate the vacant and dilapidating structure.

The applicant submitted a site plan illustrating the location of the structures and parking. The site provides the required number of spaces (6); however, three of the spaces are non-compliant and maneuver within the 10-foot alley along the South side of the property possibly blocking parking and maneuvering from other residents of the complex and other adjacent residents who use this alley for ingress and egress from their property. Only three compliant parking spaces are indicated within the rear of the site, the 10-foot alley to the South accesses these parking spaces. Additionally, the three spaces along the South side of the property would have to back into the alley right-of-way and Kenneth Street to maneuver.

Given the increasing volume of traffic along Dauphin Street in this area, this could cause a potentially dangerous situation. Kenneth Street could also be considered a connector street, connecting Dauphin Street to Old Shell Road and the site plan submitted does not lessen the severity of the previous parking situation with regard to the reduced maneuvering area.

With regard to the landscaping requirements, the site could potentially provide adequate area to meet those requirements if the number of units were reduced which would require less parking and those parking spaces within the South side of the site were landscaped.

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 states that many homes in this portion of Midtown are currently used as multi-family. Staff has researched the immediate vicinity and has found several duplexes; however, given the fact that the structure has lost its nonconformance, no hardship exists.

RECOMMENDATION: Based on the preceding, this application is recommended for denial, due to the following reasons:

- 1) the applicant has not illustrated that a literal enforcement of the Ordinance would present an undue hardship.

LOCATOR MAP



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 REQUEST Use, Front Landscaping, Surfacing, Access/Maneuvering Area, and Buffer Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

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LEGEND

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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	



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

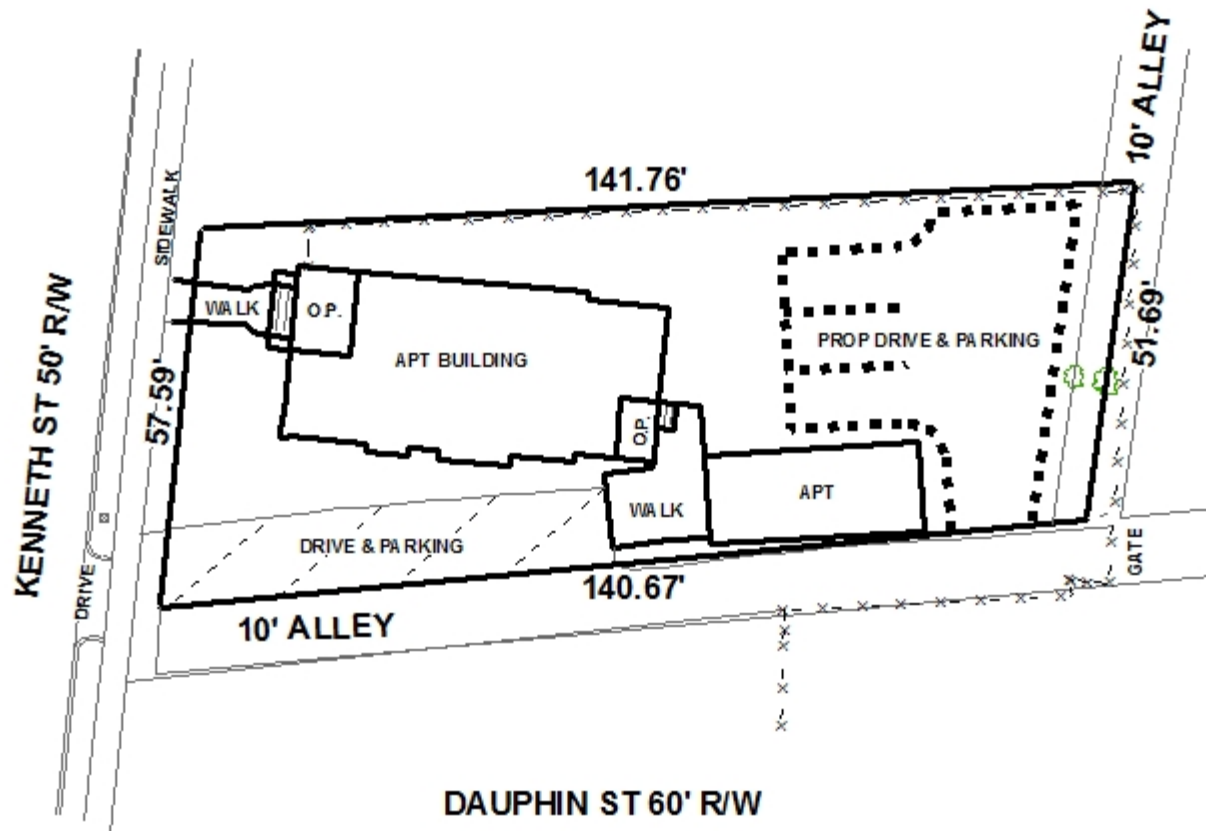


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SITE PLAN



The site plan illustrates the buildings, and the proposed drive and parking.

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