



## PLANNER'S REPORT

TO: Adrienne Senter  
FROM: Lynn Patterson  
RE: Variance Application for 525 King Arnold Street  
DATE: March 12, 2019

### BACKGROUND

The City of Hapeville has received a variance application from Will Bryant to allow for a reduction in the minimum front yard setback from 15' to 2'10" to allow for a projecting canopy. The building itself would sit at the setback line. The proposed project is a new public library. The property is currently zoned V, Village.

### CODE

#### ARTICLE 11.1. - V ZONE (VILLAGE)

##### Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

##### Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.

### FINDINGS

#### Sec. 87-3-3. - Powers and duties.

- (2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so

that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

*Providing the space for a new parking lot while still seeking to be pedestrian oriented and preserving the existing tree canopy would make placing the building as designed further back from the setback line difficult.*

- b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

*Keeping the building on the setback line while removing the canopy would potentially impact the LEED certification of the building and decrease the desirability of the pedestrian oriented plaza, negatively impacting the stated goals of creating a pedestrian friendly environment and striving for energy efficiency.*

- c. Such conditions are peculiar to the particular piece of property involved; and

*The stated energy efficiency goal is best met by placing a canopy on the southwest side of the building, where the property meets the street as per the current design.*

- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

*Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Code. Rather, it would encourage pedestrian and neighborhood uses near a commercial area, which is a stated objective of the Village zoning.*

## **RECOMMENDATION**

The requested variance will allow for the encouragement of a pedestrian friendly environment along King Street, while allowing the library to more easily meet energy efficiency goals. There is no evidence of a detriment to public good. The proposed variance is recommended for approval.



525 King Arnold Street