



## PLANNER'S REPORT

DATE: October 31, 2019  
TO: Adrienne Senter  
FROM: Michael Smith  
RE: Variance Application for 218 Maple Street

### **BACKGROUND**

The City of Hapeville has received a variance application from Anthony Uwechue to allow for a reduction in the minimum west side yard setback from 5' to 4.6' for the property at 218 Maple Street. The proposed project is a renovation and addition to an existing dwelling on-site. The existing dwelling sits in the setback on the west side by 0.4'. The addition will be within the required minimum setback and is otherwise compliant with zoning. However, as no non-conforming use may expand its building footprint in any way, the project cannot proceed without a variance. The property is currently zoned R-1, One-Family Detached.

### **CODE**

#### **ARTICLE 6. - R-1 ZONE (ONE-FAMILY RESIDENTIAL)**

##### **Sec. 93-6-1. - Intent.**

By virtue of its location within the comprehensive land development plan for the city, the R-1 zone is established in order to protect residential areas now predominantly developed with one-family detached dwellings and a few adjoining areas likely to be developed for such purposes. Only a few additional and compatible uses are permitted. The regulations of this zone are intended to:

- (1) Protect the present predominantly one-family use of the land.
- (2) Encourage the discontinuance of existing incompatible uses, and insure the ultimate stabilization of the land in one-family usage.
- (3) Protect and promote a suitable environment for family life.
- (4) Discourage any use which would generate other than normal residential traffic on minor streets.
- (5) Discourage any use which, because of its character or size, would create excessive requirements and costs for public services.

**Sec. 93-22.1-1 Dimensional Requirements**

R-SF Zoning dimensional requirements for single-family detached structures are as follows:

Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
						Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
50	6,750	6,750	3br/2bth	1,600	40	15	15	5	25	2½	35	2 DU	1

**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;

*There are no extraordinary or exceptional conditions for this property based upon the size, shape or topography.*

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

*The existing dwelling footprint sits within the side yard setback and therefore is non-conforming. The variance would allow for the renovation and addition for the home, which could not be completed otherwise.*

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

*As stated above, the existing dwelling is a non-conforming condition of the developed site.*

- 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 allows for the improvement of an existing single-family dwelling.*

**RECOMMENDATION**

The requested variance will allow for the renovation and expansion of the existing residence. There is no evidence of a detriment to the public good. The proposed variance is recommended for approval.



**218 Maple Street**