



PLANNER'S REPORT

DATE: August 15, 2019
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 3429 Rainey Avenue

BACKGROUND

The City of Hapeville has received a variance application from Melinda Dalton to allow for a reduction in the minimum side yard setback from 5' to 3' for the property at 3429 Rainey Avenue. The proposed project is a renovation and addition to an existing dwelling on-site. The existing dwelling sits in the setback on the north side by 2'. The provided site plan shows the new construction extending further into the northern setback by 0.7'. However, according to the applicant, the additional construction will be within the setback but will be on the same plane as the existing building and will not encroach any closer towards the property line. The applicant will submit a revised site plan to show the new construction along the same plane as the existing dwelling. The property is currently zoned R-SF, Residential Single-Family.

The Planning Commission approved the site plan on August 13, 2019, subject to the Board of Appeals approval of the reduced setback. Their recommendation was in support of the variance request.

CODE

ARTICLE 11.3. - R-SF ZONE (RESIDENTIAL SINGLE-FAMILY)

Sec. 93-11.3-1. - Intent.

The R-SF zone is established in order to protect residential areas currently developed with one-family detached dwellings, and adjoining areas undeveloped, likely to be developed for residential purposes by allowing single-family homes and prohibiting other uses. The regulations of the R-SF zone are specifically intended to:

- (1) Ensure the best use of the land;
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings;
- (3) Protect and promote a suitable environment for family life;
- (4) Discourage any use which would generate other than usual residential traffic on minor streets; and

- (5) Discourage any use which, because of its character or size, would create excessive requirements or costs for public service.

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		
40	4,000	4,000	3br/2bth	1,000	70	15	15	5	20	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. Per the applicant, the dwelling dates to 1921, well before the current zoning code. 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.



3429 Rainey Avenue

