



## ZBOA Agenda Item # 6

JULY 2, 2019

### Variance Request by Pete's Otto File #: APP-2019-03

Tiger Berrard, on behalf of Pete's Otto, is requesting Variances to LDR Section 214 Table 2 as it pertains to the minimum front yard building setback in a C-H zoning district, and to LDR Section 222-3(A) as it pertains to off-site parking. The subject properties consists of 0.58 acres located at 401 E. Ann Street (split-zoned C-H and C-C), and 0.17 acres located at 1113 Marion Street (zoned C-C). The larger parcel contains a motor vehicle repair shop, and the other parcel is an undeveloped vacant lot. The applicant is proposing to add a 2,220 square foot building on the larger parcel as additional work space, and construct a small parking lot on the undeveloped parcel at 1113 Marion Street.

The applicant's proposed 37'x80' building is proposed to be placed directly behind the existing auto repair facility, and is proposed to be in-line with the east wall of existing building (facing Marion Street). The new building is proposed to be, at its closest point, 9'4" from the property line (and 11'5" at its farthest point) This parcel is a corner lot and the Marion Street side is considered to be the "front yard" of the property for setback purposes. (The LDR requires that the street with the highest functional classification to be the setback "front yard", or if both streets are the same classification, the portion of the property with the longest street frontage is the front yard.) In this instance, both E. Ann Street and Marion Street are classified as local streets, but the Marion Street frontage is longer and is therefore the designated "front yard" (even though the building faces E. Ann Street and has always used E. Ann Street for its business address) The minimum required building setback from Marion Street is 25 feet..

Additionally, the applicant is also requesting a Variance to allow off-site parking on non-contiguous property in order to meet the minimum # of required parking spaces. (*parking is otherwise required to be on the same parcel, or on an immediately adjacent property, not across the street*). With the new building being added to the main parcel, the minimum required number of parking spaces will increase to 24, but this site can only accommodate 15 spaces (as shown on the attached site plan). The applicant's proposed parking across the street at 1113 Marion Street, will contain 11 spaces (for a combined total of 26), but this non-contiguous location will require a Variance.

Variances are intended to give relief in situations beyond design's control. The applicant is asking for Variances for the front yard setback and for parking. However, there are some unusual circumstances surrounding this property. East Ann Street actually functions as the front yard even though Marion Street is technically the front yard, and the existing building is approximately 9' feet off of Marion Street's ROW. Staff is supportive of both the parking variance and the front yard variance, with appropriate conditions of approval..

**Staff Recommendation:** Find consistent with the Variance Review Criteria and **approve** the requested Variances, subject to the following 6 conditions:

- (1) The new building shall be no closer than 9' from the street right-of-way line, with the new front wall being in alignment with the front wall of the adjacent existing building, as depicted on the submitted site plan.
- (2) There shall be a minimum 8' tall opaque solid fence erected along this newly-established front yard setback line, connecting the corners of the two buildings, and also extending southward from the new building to the south property line.
- (3) The east wall of the new building shall be facaded with an attractive durable material in accordance with the requirements of LDR Section 214-7, with both buildings painted a matching color.
- (4) There shall be no driveways or vehicular access to the main parcel from Marion Street.