

Variance Request

2311 Lafayette Avenue
C15-2022-0071

The Board of Adjustment
November 14, 2022

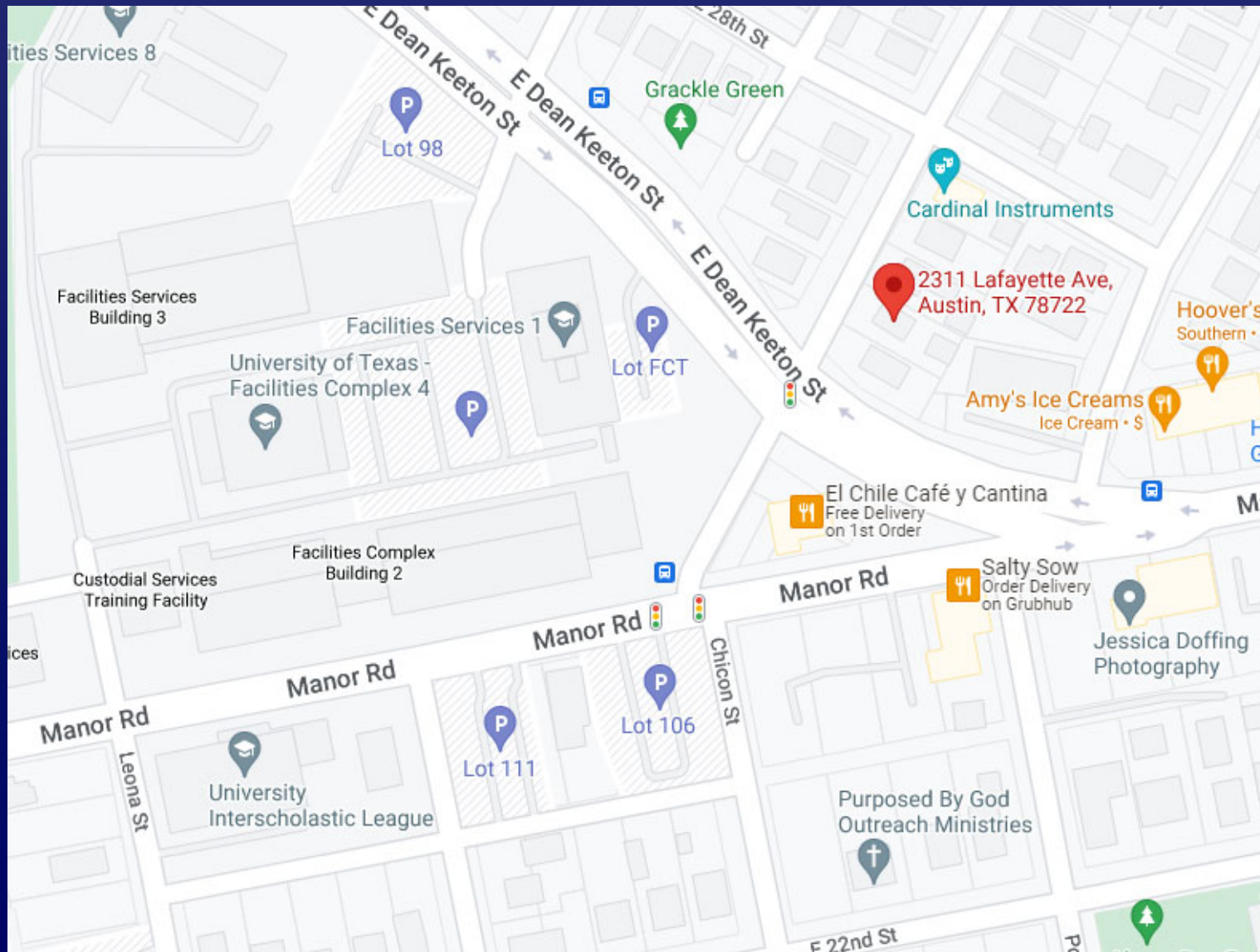
Micah King
Husch Blackwell LLP

Purpose

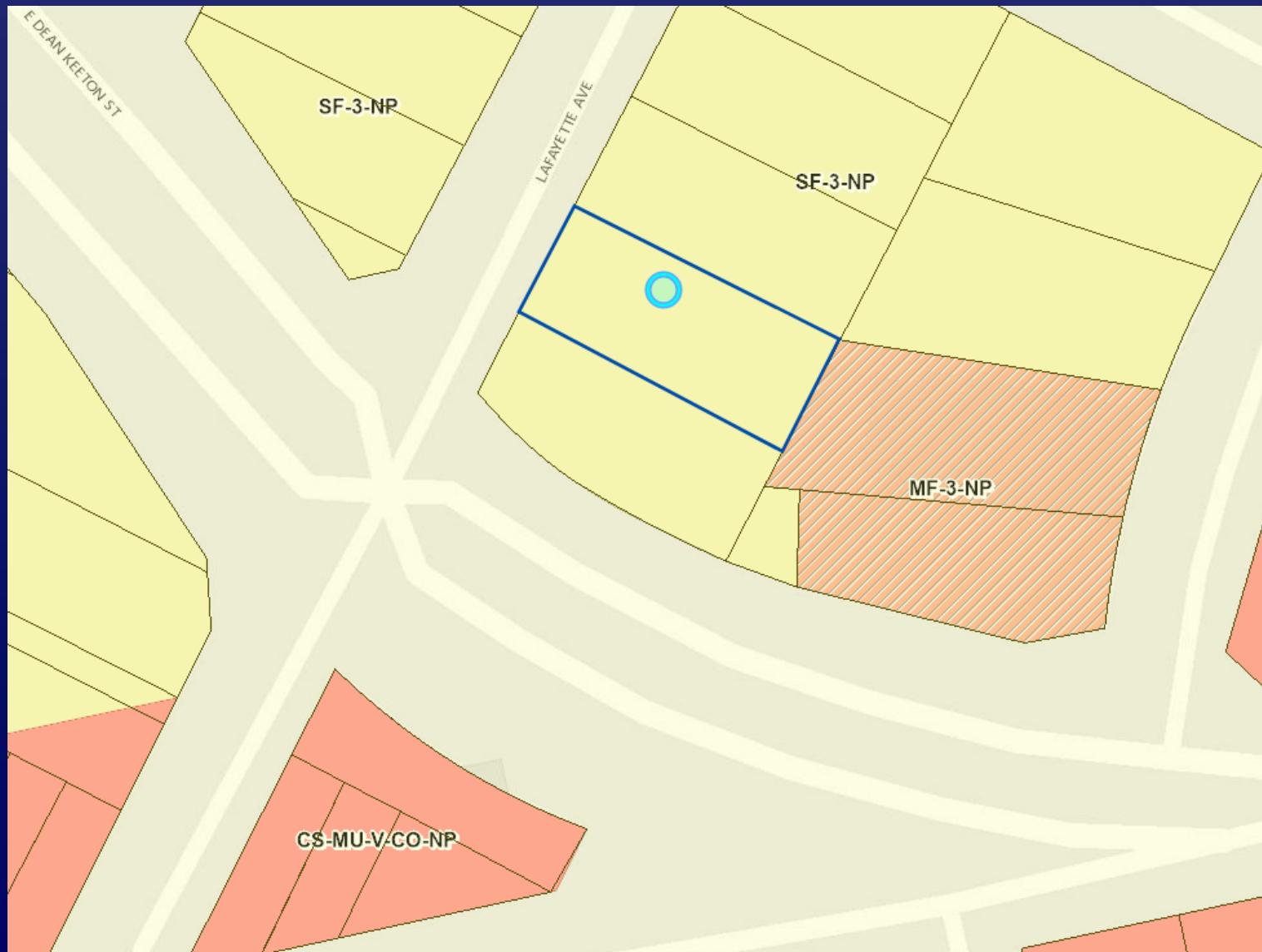
To facilitate the replacement of an existing, non-complying secondary unit with a safe, modern new house (including elimination of the existing setback encroachments) and the preservation of the front house, which was constructed in 1948, which contributes to the neighborhood's character.

The new rear unit would become the main house, and the existing front structure would become the secondary unit.

Map of Property Location



Map of Area Zoning



The Front House (To be Preserved)



The Rear House (To be Replaced)



Requested Variances

From LDC § 25-2-774(C)(2)(a), to change the requirement that the second dwelling unit must be located at least 10 feet to the rear or side of the principal structure (required) to have the second dwelling unit be in front of the principal structure (requested); and

From LDC § 25-2-774(C)(5)(b), to increase the maximum size of the second dwelling unit (proposed to be the front house) from the lesser of 1,100 sq. ft. or 0.15 FAR (required) (*which equates to 901.5 sq. ft.*) to 948 sq. ft. (requested).

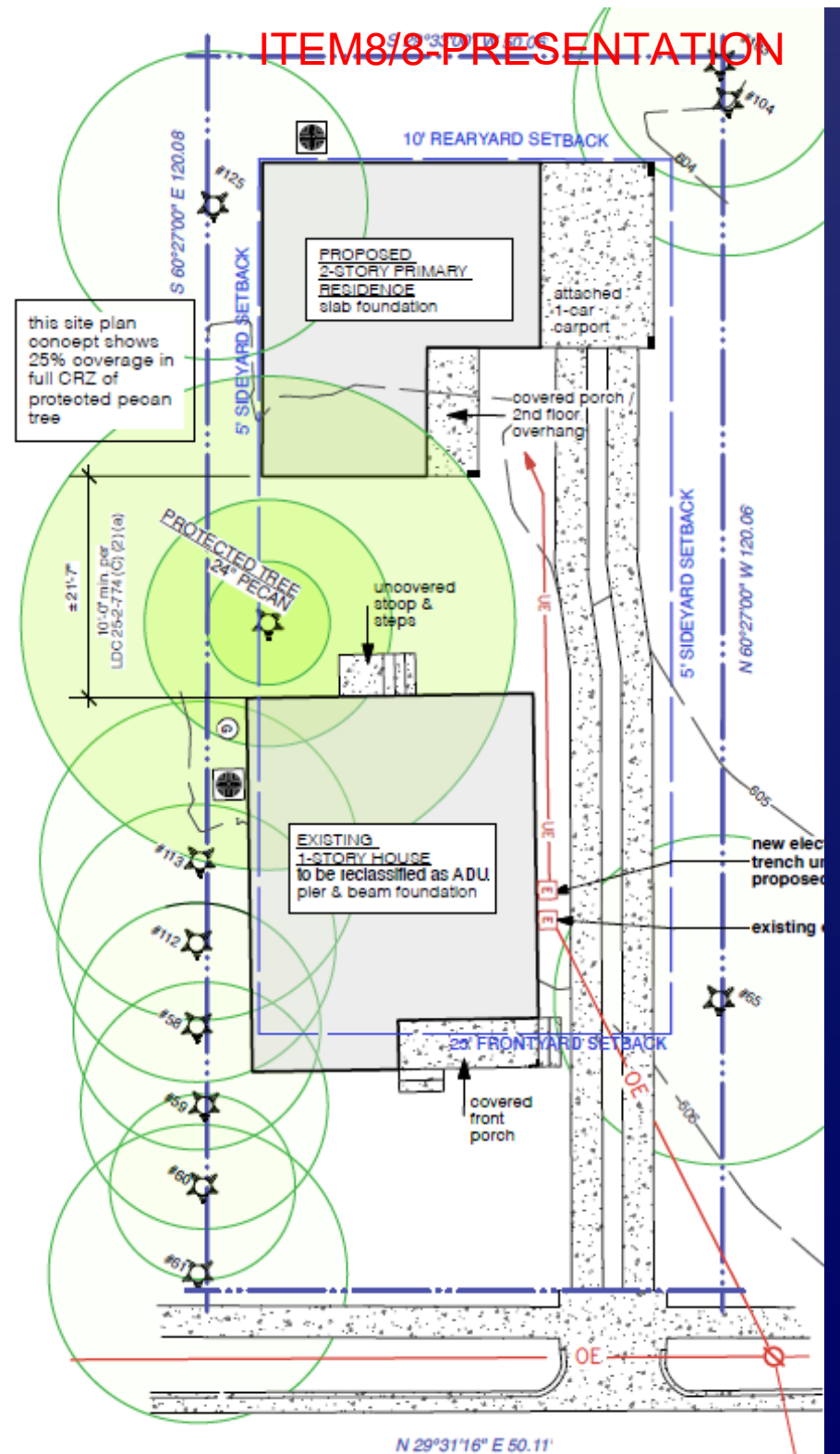
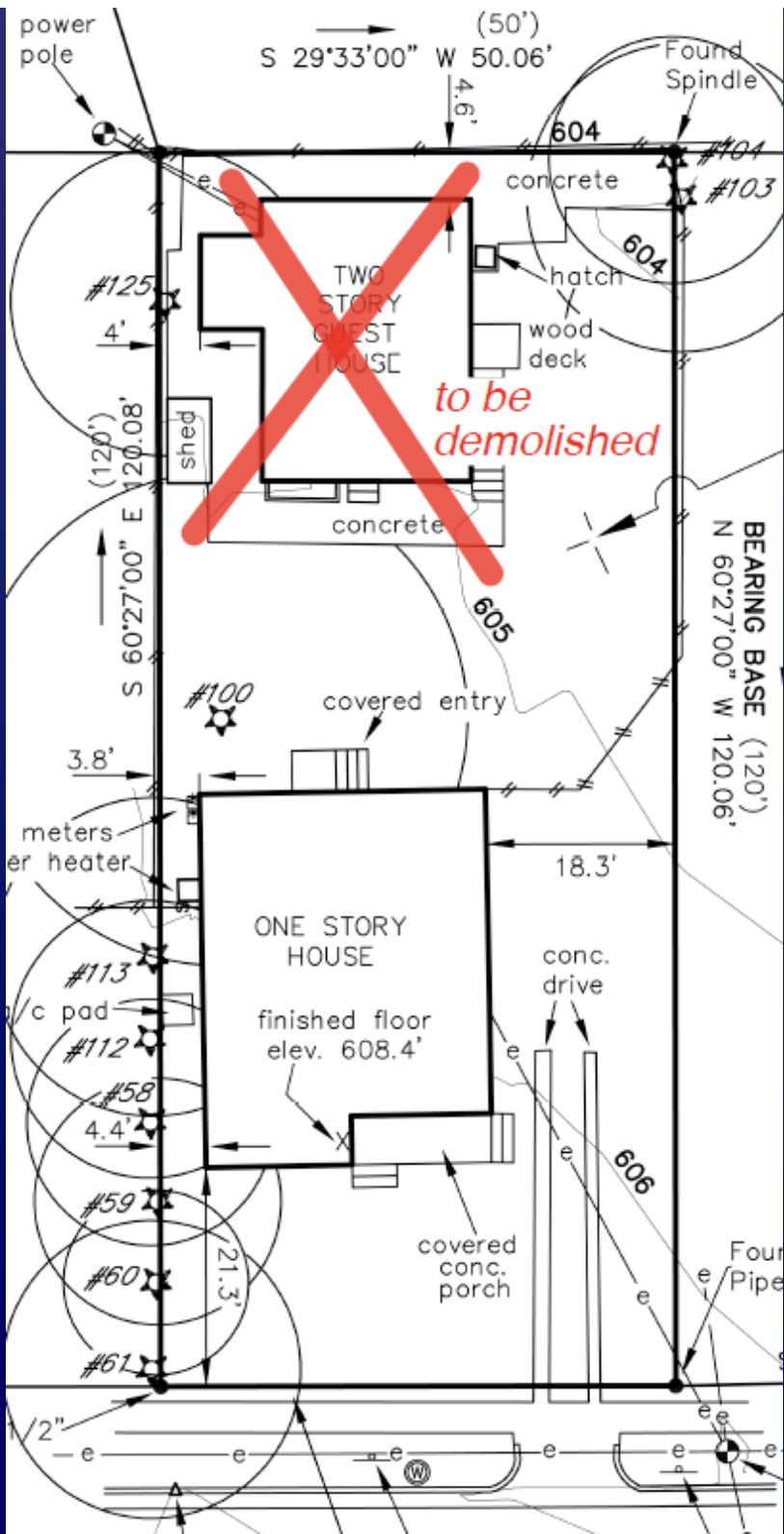


Photo of Tree with Front House on Left



Photo of Rear Unit on Left



Photo of Multi-Family Building to the Rear



The Regulations Do Not Allow for a Reasonable Use

- ▶ The regulations unreasonably constrain the ability of the owner to have adequate housing to meet their long-term needs without demolishing and replacing the existing 948-square-foot front house, which was constructed in 1948, or altering it in such a way as to negatively impact the area character, and the rear unit is a noncomplying structure that violates side and rear yard setback requirements and forcing the owner to be stuck with the rear unit is unreasonable given its state and noncomplying status and keeping it as-is would not address the need for more housing space.

The Hardship is Unique to the Property

- ▶ The hardship is unique to the property because it has two small, old structures that are both noncomplying, a 3-story multifamily building is immediately to the rear of the property, and options for where to provide safe, adequate, new housing that will help the owner remain in place are constrained by the narrow width of the lot, the locations of the existing structures, the required front, side, and rear setbacks, the driveway, a 24-inch Heritage Tree, and Critical Root Zones.

The Hardship is Not General to the Area

- ▶ The hardship is not general to the area because many nearby front houses have expanded in size or have room to expand without the buildable space being squeezed between a 25-foot front setback and a 24-inch Heritage Tree, or the original house has been demolished. As such, for many nearby properties, there is no hardship or, if there were a hardship, it is no longer general to the area because the owner scraped the lot and built a new house larger than is being requested.

Approval Would Not Alter Area Character

- ▶ The variance will not alter the area's character as the rear unit is non-complying and the property backs up to a 3-story apartment building, which looms over the rear yard. Approval would only enhance area character by facilitating the preservation of the front house, which is a prime example of original architecture in the neighborhood, and will result in a new rear unit that advances the purpose of the zoning regulations by eliminating encroachments and benefiting adjacent neighbors with new open space.

zoning: SF-3 - NP [Cherrywood]
 legal description: Lot 8, Block 1, Outlot 27 - 28 & 31, Division C, Nowlin Heights [vol. 32, page 237]
 tax ID: 205223
 geographic ID: 0213100205
 lot size: 6,010
 parking requirement: 2 spaces [site is in area of reduced parking]
 allowable SF for ADU: 6,010 x .015 = 901 sf

site calculations

	existing	to be removed	proposed	
EXISTING HOUSE				
<i>to be reclassified as ADU</i>				
1-story house:	948		948	[counted toward FAR calculation]
covered front porch:	64		64	[exempted from FAR calculation]
front porch steps:	20		20	
uncovered rear stoop & steps:	30		30	
AC pad:	9		9	
driveway strips:	100	(100)		
EXISTING ADU				
<i>to be demolished</i>				
ground floor:	612	(612)		
2nd floor:	556	(556)		
uncovered wood stair:	60	(60)		
uncovered concrete:	640	(640)		
PROPOSED 2-STORY PRIMARY RESIDENCE				
ground floor:			696	[counted toward FAR calculation]
covered porch / second floor overhang:			60	[exempted from FAR calculation]
2nd floor:			756	[counted toward FAR calculation]
attached 1-car carport:			200	[exempted from FAR calculation]
AC pad:			9	
driveway strips:			552	
building coverage	1624	(27.02%)	1968	(32.75%)
<i>allowable building coverage: 2,404 sf</i>				
impervious coverage	2483	(41.31%)	2588	(43.06%)
<i>allowable impervious cover: 2,704 sf</i>				
gross floor area	2116	(35.21%)	2400	(39.93%)
<i>allowable gross floor area: 2,404sf</i>				

