

Board of Adjustment

Staff Report

CASE NUMBER: BA16-020
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 128 North Macdonald
COUNCIL DISTRICT: Council District 4
OWNER/ APPLICANT: Robin Grasser

REQUEST: *Requesting a Variance to allow a detached building to exceed 50% of the roof area of the primary dwelling in the DR-2 HD zoning district (PLN2016-00261).*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance to allow a detached building to exceed 50 percent of the roof area of a property in the DR-2 HD zoning district. The home is within the West 2nd Street Historic District and is on the National Register of Historic Places. This proposed detached building is primarily a garage with a small attached patio.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-020, *conditioned upon the following:*

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
3. *A Certificate of Appropriateness shall be granted for the detached building.*
4. *Any additional detached buildings would require an additional variance.*
5. *The total square footage of detached buildings, exclusive of overhangs, is 1,738 square feet.*

SITE CONTEXT

CASE SITE: Existing single residence – Zoned DR-2 HD
NORTH: Existing single residence – Zoned DR-2 HD
EAST: Existing church (across Macdonald) – Zoned DR-2 CUP
SOUTH: Existing single residence – Zoned DR-2 HD
WEST: Existing multi-family residence – Zoned DR-3

STAFF ANALYSIS

The applicant is requesting a variance to construct a three car garage with a small patio that is detached from the home. The home itself is the Spangler/Wilbur house and is located within the West 2nd Street Historic District. The architectural style of the home is Colonial Revival with Italianate influences that is characterized through the use of large overhangs. The home itself is 3,500 square feet (which includes both stories) but only has 2,783 (2,640 s.f. house plus 143 s.f. for carport) square feet of roof area. The proposed detached garage is 1,638 square feet and the existing storage shed on the property is 100 square feet. The Zoning Ordinance does not allow any detached buildings to exceed 50 percent of the roof area of the primary dwelling unit; meaning, the detached buildings on the property are 346.5 square feet too large.

As justification for the requested variance, the applicant has noted: 1) prior to 2005 there was a detached apartment and a four-bay carport in the same are the garage is being proposed; 2) attaching the garage would alter the exterior of a historic building; 3) the color brick is no longer manufactured so even if the garage was attached, it would be built with a different brick; 4) homes in the RS-35 zoning district that have similar lot size have the ability to have a detached garage.

As proposed, the existing wall requires the issuance of a variance. The Board of Adjustment must find the following items are present to approve a variance:

- a) *There are special conditions that apply to the land or building.*
- b) *The special condition was pre-existing and not created by the property owner.*
- c) *That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district.*
- d) *The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.*

There are special conditions that apply to the land or building and the special condition was pre-existing and not created by the property owner:

The historic Spangler/Wilbur house is located in the West 2nd Street Historic District and was constructed in 1915. The home is noted in the historical survey as an “excellent local example of a Colonial Revival Style house designed with Italianate Style Influences”. Because of the home’s excellent condition and lack of alterations, it is designated as a contributing property to the Historic District. Any alterations, additions or modifications to homes in a historic district requires a Certificate of Appropriateness that is signed and approved by the Historic Preservation Officer for the City. The contributing nature of the property makes any alterations or additions challenging, if not impossible, to construct in such a way so as to not affect the historic nature of the present residence. Attaching the garage would not be an acceptable option, based on the requirements of the HD-Historic District Overlay zoning, to maintain the historic integrity of the home. The only option left to the applicant to construct a garage is for the proposed garage to be detached.

Strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district:

The West 2nd Street Historic District is mostly zoned DR-2-HD with varying lot sizes. The minimum lot size, as designated for DR-2 zoned lots with 1 dwelling unit, is 6,000 square feet. The subject parcel is 35,125 square feet where typical lots in this neighborhood range from 6,000 square feet to 22,204 square feet with the majority of the lots around 13,000 square feet. The parcel at 128 N. Macdonald and the immediate neighbor to the north have the largest properties within the district with lots in excess of 35,000 square feet. At 35,125 square feet the subject parcel is similar in size to lots in the RS-35 zoning district versus the DR-2 district.

There are homes within the 2nd Street Historic District that have detached buildings that exceed 50 percent of the roof area of the primary dwelling unit, as the subject property did prior the 2005. Most of these larger detached buildings were constructed prior to the 1960s, based on historic aerials. The home directly to the north of the property has several detached buildings that exceed 100 percent of the roof area of the home. The structures predate 1960 so staff cannot research if these structures were constructed with a building permit.

Most homes in circumstances similar to the subject property would have the ability to attach a garage, especially in the RS-35 zoning district where the lot size is comparable. The applicant is unable to attach the garage due to the historic nature of the home. The applicant’s only option is providing a detached garage similar to ones built in the historic era for this neighborhood. The garage is large enough to accommodate three to four cars. Garages of this size are not uncommon for homes of this size and the lot size.

The variance would not constitute a special privilege unavailable to other properties in the vicinity and the zoning district of the subject property:

As stated, a majority of the homes in the West 2nd Street Historic District have detached buildings that are in excess of 50 percent of the roof area of the primary dwelling unit. Denying the variance would deprive the property owner the right to have an enclosed garage that other properties in the DR-2 zoning (without the HD overlay zone) are able to construct. Maintaining the historic integrity of the property leaves options for modern amenities limited. The proposed detached garage is similar to a building that would have been constructed during the historic era of this home.

FINDINGS

- 1.1 There are special circumstances with the historical nature of the home that apply to this request that are pre-existing and not self-imposed.
- 1.2 Requiring compliance with the ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and the same zoning district.
- 1.3 This variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.
- 1.4 The proposal strikes a balance between historic preservation and the current needs of the owners.

ORDINANCE REQUIREMENTS

11-8-7: Supplemental Regulations for All Downtown Districts:

C. Detached Accessory Structures:

2. **Detached accessory buildings or structures located on lots in DR-1, DR-2, or DR-3 districts are permitted subject to the following provisions. Detached accessory structures:**
 - a. May be located in the required side/rear yards provided that they are within the rear one-quarter of the lot and do not exceed 10 feet in height.
 - b. May be located in the required rear yard but outside of the required side yard provided that they do not exceed 12 feet in height.
 - c. May be located in the required side yard (outside of the rear ¼ of the lot), provided that they do not exceed 8 feet in height and 200 square feet of roof area, and are not located in a side yard required for vehicular access.
 - d. Shall not be located in the required front yard or in the area between the front of the principal dwelling and the front property line.
 - e. Shall not be located in the required rear yard of a corner lot closer to the street than any dwelling on an adjacent key lot.
 - f. Shall not exceed the height of the dwelling when located within any part of the buildable lot area, on any lot of less than 1 acre in size.
 - g. Shall not exceed 30 feet in height when located within any part of the buildable lot area, on any lot of one (1) acre or more in size.
 - h. Shall not have an aggregate area of all such detached buildings greater than 50 percent of the roof area of a dwelling or dwellings.

