

Board of Adjustment

Staff Report

CASE NUMBER: BA16-055
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 1005 West Hickory Street
COUNCIL DISTRICT: Council District 1
OWNER/ APPLICANT: Robert Wilkening

REQUEST: *Requesting variances to allow encroachments of an enclosed garage in the required front and side yard setbacks, and to the required building form standard for garages in the RS-6 zoning district. (PLN2016-00652)*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance that would allow the enclosure of an existing carport into a garage. In order to comply with current Zoning Ordinance requirements for interior dimensions of a two-car garage, the garage needs to be expanded. The home is located within the Fairway Gardens subdivision and is zoned RS-6. Upon further research, the variance for the garage to encroach into the side setback is not needed.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-055, *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. *The interior garage depth shall be reduced to 22 feet in length.*
4. *The garage shall be architecturally compatible with the home.*

SITE CONTEXT

CASE SITE: Existing single residence – Zoned RS-6
NORTH: Existing single residence – Zoned RS-6
EAST: (across Hickory) Existing single residence – Zoned RS-6
SOUTH: Existing single residence – Zoned RS-6
WEST: Existing single residence – Zoned RS-6

STAFF ANALYSIS

The request involves the enclosure of an existing carport into a garage. The home was constructed in the late 1960's with a carport that is 19' wide by 16'-6" deep. The Zoning Ordinance requires two car garages to have an interior dimension of 20' wide by 22' deep. In order to comply with the current requirement for interior garage dimensions, the garage would need to be expanded. The applicant is proposing the garage be 20' wide by 25' long. As proposed, the applicant would be encroaching 4' into the required 20' front setback to garages.

The Zoning Ordinance also requires that all new garages, carports or expansions be recessed 3' from the primary wall of the home. As the applicant is proposing, the garage would protrude a total of 8'-6" in front of the primary wall of the home.

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 home was constructed with a carport in the late 1960's. In the 1960's it was more common to have new homes built with a carport than modern homes. The homes in Fairway Gardens were constructed with a carport and over the years the carports have been converted into garages. The current carport was not built to current Code dimensions for a carport or garage. The expansion of the carport for the garage conversion is bringing the property into compliance with the required garage dimension portion of the Code. Justification for the additional 3 feet on interior depth (25-ft rather than 22-ft) is not present, as proposed by the applicant.

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

Most homes within the RS-6 zoning district have a garage or the ability to enclose a carport into a garage. Back in the 1960's when the home was constructed, the building form standard that requires the garage or carport to be recessed behind the primary wall of the home by 3' did not exist.

Based on Google street view, there are several other homes on Hickory that have carports that have been converted into a garage. Prior to the adoption of the new Zoning Ordinance in 2011, the building form standards and minimum interior garage dimensions did not exist. Property owners within Fairway Greens that already converted their carports to garages before the adoption of the new Code did not have the 2011 building form requirements, and therefore did not need to apply for variances for such an enclosure.

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, there are several homes on the applicant's street and within the Fairway Greens that have carports that have been converted into a garage. The minimum interior dimensions for a two-car garage is 20' wide by 22' long, which would require a 1-foot encroachment into the front setback. The applicant is proposed the garage be 25' in depth, which would require a 4-foot encroachment into the front setback. While the recent changes to minimum garage dimensions provides some justification for a 1-ft variance, the additional 3 feet is not justifiable and would constitute a privilege to this homeowner over other properties within the area.

An additional concern with the garage as proposed by the applicant is the limited space on the driveway for any additional vehicles to park. As proposed there is only 16' in length which would cause a truck or SUV parked on the driveway to hang over into the sidewalk. If the garage were to meet the Code minimum interior dimension of 22' there would be 19' in length on the driveway for additional alternative parking spots. Having accessible parking spaces a valuable on the driveway reduces the impact of on-street parking within the neighborhood. The recommendation is to reduce the interior depth to 22 feet in length. Staff's recommended depth of 22 feet would also lessen the impact of the deviation from the building form standards.

The applicant has provided the following as justification for the approval of the variances: 1) the enclosure would protect historic vehicles and boat and is required for insurance purposes; 2) the enclosure would increase the property value; 3) the home was built in the 1960's with a carport only; 4) the house was constructed in its current location which doesn't allow for a garage that meets the minimum required garage depth and 5) there are over 40 homes within the Fairway Gardens neighborhood that have garages so it would not grant a special privilege or favor.

FINDINGS

1. The home was built in the late 1960's with a two-car carport that does not meet current interior dimensions for a carport or garage.
2. The applicant would like to enclose the current carport into a garage. In order to meet Code requirements for interior dimensions, two variances are needed.
3. The granting of the variance would not constitute a special privilege to this property owner over other properties in the area. Garages are commonly found on most single residences. There are over 40 homes in the immediate vicinity that have garages.
4. Installation of a garage with the minimum depth of 22-ft, rather than 25-ft as proposed, would limit the degree of encroachment into the required front yard to 1-ft, a minimal amount.
5. Strict compliance with development standards would deprive the property owner of a privilege enjoyed by surrounding property owners.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-5-3: Development Standards for the RS District

RS-6 – Front -10', Front Garage-20', Sides – 10' & 5' and Rear-10'

Zoning Ordinance, Parking Spaces Requirements (summarized from Sec. 11-32-3)

D. Covered Spaces. Covered parking spaces shall be provided as follows:

1. Single-residences shall provide a minimum of 2 covered parking spaces per unit.

Zoning Ordinance, Parking Area Design (summarized from Sec. 11-32-4)

F. Minimum Dimensions for Residential Enclosed Garages. Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single-car garage shall be at least 10 feet wide and 22 feet long.
2. **A double-car garage shall be at least 20 feet wide and 22 feet long.**
3. A garage for tandem parking shall be at least 10 feet wide and 44 feet long.

Zoning Ordinance, Building Form (summarized from Sec. 11-5-3)

E. Building Form- Garage Frontage and Location:

1. Where garage doors are oriented parallel or within 10 degrees of parallel to the front property line of the lot, the aggregate width of garage doors attached to a primary residence and facing the front of the lot shall not exceed 50 percent of the aggregate width of those elevations of the building that face the front of the lot. **Garages oriented parallel or within 10 degrees of parallel to the front of the lot, shall be located at least 3-feet behind the primary wall facing the street, and never less than the required garage setback.**