

Area Variance

LOT OCCUPANCY (E-304.1)

EXPANSION OF A NONCONFORMING ASPECT (C-202)

Area Variance Test

- (1) there is an extraordinary or exceptional condition affecting the property;
- (2) practical difficulties will occur if the zoning regulations are strictly enforced; and
- (3) the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.

Area Variance

- 60% maximum lot occupancy permitted
- Existing lot occupancy is already nonconforming at 78%
- Applicant is seeking relief in order to do a small addition at the front of the building and a third-story addition on top of the existing footprint
- Overall reduction of lot occupancy from 78% to 76% on the first floor and to 72% on the second and third floors

Unique Conditions

- Building was constructed in two phases and are not connected internally
- Building has consisted of three residential units along with the commercial space
- Building was not built to the front property line and has a 3 ft. setback
- Existing lot occupancy of 78% and no alley access has led to enclosed exterior space on the northeast corner of the lot
- Nonconforming, substandard site (1,750 sq. ft.) with a wide party wall
- Unusual square shape of the lot

Unique Conditions

- Applicant is burdened with a nonconforming, substandard site with a wide party wall
- The existing configuration is onerous, and the existing structure was not constructed to the property line
- The Applicant is removing a deck in the rear which reduces the *overall* lot occupancy from seventy-eight percent (78%) to seventy-six percent (76%)—the second and third floors will have lower lot occupancies of seventy-two percent (72%)
- If the Subject Property had a conforming lot size of 1,800 square feet, it would require less relief and could request special exception relief for lot occupancy, rather than variance relief
- The Applicant would have to reduce the projection by six inches, but the second and third floor would be at 70% lot occupancy (instead of 72%) if the lot measured 1,800 square feet (the first floor would still be over lot occupancy, at 72%)

Practical Difficulties

- The Applicant is planning to restore the existing Building (rather than demolish the building) which creates practical difficulties because of the existing conditions
- Due to the Building being created in two separate stages, the Applicant is faced with unique conditions, including three separate residential entrances, none of which are level, and warped floor joists
- The Applicant is faced with a practical difficulty because it will lose square footage under a matter-of-right scenario, and in order to restore the existing Building, it must undergo costly interior renovations, including lowering all three (3) floor levels (on the first floor) to align with the adjacent sidewalk and replace the existing joists on the second and third floor
- In order to align the first floor with the adjacent sidewalk the Applicant must lower the cellar slab which will provide an adequate ceiling height for the cellar
- The additional square footage from the third-story addition and Front Addition help mitigate these additional costs unique to this Building's restoration

Practical Difficulties

- As part of maintaining the existing structure, the Applicant must move the stairs in order to achieve efficient residential layouts
- Moving the stairs places the residential entrances on Oakdale, which is much more compatible for residential use than 4th Street which is a heavily traveled street. However, the relocation of the stairs will take up approximately 80 square feet at the rear of the Building
- As the space is limited due to the stairs and existing layout, the Applicant is proposing a small three-foot addition at the front of the Building—where the space can be most efficiently utilized—in order to add more space to the commercial and residential spaces without significantly impacting the footprint of the Building
- The Applicant would have to remove portions of the rear in order to comply with the 60% matter-of-right (or even the 70% special exception) and do the Front Addition

Practical Difficulties

- The proposed front addition not only allows the Applicant to have a more-aesthetically pleasing and inviting design, but practically it adds a much-needed 105 square feet to the commercial space
- It also allows for three-bedroom units on the second and third floors. Without the Front Addition, the Applicant would face a practical difficulty as the commercial space would be limited to only approximately 800 square feet
- The loss of the partial addition on the second and third floors would result in inefficient units in terms of size, layout, and window placement, and the Applicant would no longer be able to provide three-bedroom units
- The only other property with any frontage on 4th Street extends to the depth of the proposed Front Addition and the Applicant is simply proposing to match that extension
- Overall, the degree of variance relief requested is relatively minor when considering that the additional Building footprint is in the front of the Building, adjacent to the public right-of-way, rather than at the rear or sides of the Building adjacent to other properties

No Substantial Detriment Nor Substantial Harm

- The proposed Project is within the height and story limit of the RF-1 Zone, results in an overall decrease in lot occupancy, and creates two family-sized (three-bedroom) units
- ANC is supportive of the project