

**Zoning Board of Appeals
March 22, 2023 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0002; 511 East Ann Street

Summary:

Rob Burroughs AIA of O/X Studios, representing property owner, are seeking variances from Section 5.32.2 (A)(2) Nonconforming Lot and Table 5.17-3 Multiple-Family Residential Zoning District Dimensions in order to create a second unit to an existing single-family residence. The property is zoned R4C, Multiple-Family Dwelling District and requires a minimum lot size of 8,500 square feet and lot width of 60 feet. The existing lot is 6,473 square feet in area and 57 feet in width. A variance of 2,027 square feet in area and a three-foot lot width is requested to allow for an additional dwelling unit on the subject nonconforming lot.

Background:

The subject property is located on the north side of East Ann Street, east of North Division and west of North State Streets. The earliest map the residence appears on is the 1866 Birdseye map and its first appearance in the City directory is 1872. The house was maintained in an acceptable condition until the late 1960's, and since that time it was allowed to fall into disrepair. The home has not been consistently occupied in recent years and it is now in its current dilapidated state. The current owner purchased the home in 2022.

Description:

The home is currently in a single-family status. The plans to convert to a duplex will combine the first floor and the basement to one unit with six bedrooms and three bathrooms. The second unit located on the second floor will consist of four bedrooms and two bathrooms. The plans include a two-story addition to the rear of the home that is 14 feet by 37 feet 10 inches for a total of 1,555 square feet. The basement conversion to habitable space is 515 square feet and the first floor and second floors total 520 square feet. The addition will meet the required setbacks for the district.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

Applicant states, like the greater majority of R4C properties in the city, this property is deficient in both minimum lot width and lot area requirements. The Owner does not have an opportunity to purchase surrounding land to meet these minimum requirements.

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The property and its structure is located in the Ann Street Historic District. The existing residence requires an extensive amount of work and effort to renovate, preserve and protect into the future. This is not an insubstantial undertaking. In order to mitigate these efforts, the owner wishes to provide additional income opportunities for this property through the addition of a second dwelling unit, making this a two-family property.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

Encouraging more density in Kerrytown oriented at college students is beneficial for encouraging alternative transportation, supporting businesses nearby, creating active and diverse communities, and providing varying and multiple forms of housing opportunities in this neighborhood.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The site is zoned multi-family - R4C zoning district. Based upon a minimum dwelling unit requirement in this district of 2,175 sf per dwelling unit, the lot area would allow upwards of three maximum dwelling units if compliant. This request is simply to add a second dwelling unit.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

The owner states that the minimum variance of one unit is being requested. The provisions of R4C allow for the construction of multifamily - upwards of three DUs are allowed based upon lot area. This request is for two total: one dwelling unit existing; a second dwelling unit has been applied for.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized and cursive.

Jon Barrett
Zoning Coordinator