



## Legislation Details (With Text)

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<b>Title:</b>	Wilson Variance Request - 3229 Maple Drive				
<b>Sponsors:</b>					
<b>Indexes:</b>					
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<b>Attachments:</b>	1. Notice, 2. Aerial Map, 3. Application, 4. Site Plan, 5. Pictures				

Date	Ver.	Action By	Action	Result
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### Wilson Variance Request - 3229 Maple Drive

#### Summary:

Sarah Wilson is requesting a variance on Lot 5, Bridle Estates Addition, also known as 3229 Maple Drive. The request is to establish front yard parking. No off-street parking shall be permitted in the front yard of any residence district except for a normal driveway providing access to the garage or to the rear yard of the lot.

#### Background:

3229 Maple Drive was originally built with a tuck under garage. Through renovations, the tuck under garage was converted to living space with a sliding porch door and a new attached garage was added to the north of the home. The original gravel driveway was expanded for the new garage with the original section leading to the former tuck under garage left in place. The applicant wishes to pave the original footprint of the driveway. The applicant notes that water issues have occurred in the area of the former tuck under garage. The paved driveway is intended to alleviate water issues by routing water away from the sliding porch door.

When a garage stall is converted to living, sleeping, eating or cooking space, all driveways or portions of driveways leading to the converted garage shall be removed and the land restored to grass or other landscaping. The variance request is to establish front yard parking where the driveway leading to the former garage should have been removed.

#### Findings of Fact:

(1) Due to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of variance.

**Finding:** A literal enforcement of the ordinance would require that portions of a driveway leading to a garage which has been converted to living space be removed and re-established as greenspace. The paved portion of the applicant's new driveway should lead directly to the existing garage or rear yard

area. Paving the portion of the former driveway leading to the former garage would violate the spirit of the ordinance by creating front yard parking.

(2) Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.

**Finding:** The property formerly included a tuck under garage which was converted to living space by a previous owner. When the new garage was added to the north of the property, the former driveway was expanded to provide access to the new garage while retaining the original footprint as well. Topography along the front of the home has created drainage issues impacting the living space located where former tuck under garage was once located.

(3) The variance is necessary for the preservation of a property right that is substantially the same as that possessed by owners of other property in the same district.

**Finding:** The variance is not necessary for the preservation of a property right. Front yard parking is not allowed. Driveways must lead directly to a garage or rear yard area.

(4) The variance requested is the minimum variance which would alleviate the hardship.

**Finding:** The variance is the minimum needed. The requested driveway area will retain the existing footprint of the original driveway.

(5) Reasonable use of the property is not permitted under the terms of this chapter.

**Finding:** Reasonable use of the property is permitted regardless of the issuance of a variance.

**Recommendation:**

Staff recommends approval.

**Attachments:**

Notice  
Aerial Map  
Application  
Site Plan  
Pictures