



## Legislation Details (With Text)

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**Title:** Anderson Variance Request - Landscaping Requirements - 104 W 6th Street  
**Sponsors:**  
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**Attachments:** 1. Notice, 2. Application, 3. Aerial Map, 4. Site Plans, 5. Staff Parking Concept

Date	Ver.	Action By	Action	Result
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### Anderson Variance Request - Landscaping Requirements - 104 W 6th Street

#### Summary:

Terry Anderson is requesting the elimination of landscaping standards required for a redevelopment that will increase the total floor area on a site by more than 25%. For additions that would increase total floor area on a site by 25 percent or more, a landscape plan for the entire site, demonstrating compliance with the requirements of Sec. 94-399 including minimum landscape buffers, foundation plantings, and tree plantings must be submitted for approval.

An expansion of the Anderson Insurance building will add additional office space for staff at an expanding business. This expansion sets off the required landscaping standards for expansion of greater than 25% floor area. These standards would require a minimum landscape buffer of 10-feet along right of ways and 5-feet along the side property line kept free of parking, storage, merchandise, or accessory structures. Three-foot foundation plantings would be required along the perimeter of the building. Two tree-plantings would also be required within the landscape areas.

Mr. Anderson is requesting to eliminate all landscaping requirements due to a perceived parking and snow storage hardship if landscape areas were required. The request to eliminate the three-foot foundation plantings is due to potential water issues that could be caused to the building which is built slab on grade with no foundations.

#### Findings of Fact:

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

**Finding:** The applicant is stating that by requiring 10-foot landscape areas along 6<sup>th</sup> Street

and 1<sup>st</sup> Avenue and a 5-foot landscape area along the side (west) property line, a parking and snow storage shortage will occur. The property has access from both 6<sup>th</sup> Street and 1<sup>st</sup> Avenue and is currently 100% impervious with no landscaping present. This site layout allows for the entire lot to be used for parking. The business currently includes four employees but the applicant states that during open enrollment, the insurance agency can have as many as twelve cars parked on site. Parking regulations would require a minimum of six off-street parking spaces. Staff believes the site could be reconfigured with the required landscape areas and leave enough space for approximately nine off-street parking spaces with room for snow storage. An additional three spaces of on-street parking would be available along 1<sup>st</sup> Avenue for overflow parking during the busy open enrollment season.

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

**Finding:** The property is located on a corner lot which adds an additional 10-feet of landscape area required along the second frontage.

(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. Sufficient space for parking and snow storage would remain.

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

**Finding:** The variance requested is not the minimum needed to alleviate the perceived hardships. For example, the foundation plantings could be eliminated in order to prevent water issues for the building while the landscape areas along the right-of-ways and side lot remain in place.

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

**Finding:** Reasonable use of the property is permitted.

#### **Recommendation:**

Staff recommends denial.

#### **Attachments:**

Notice

Application

Aerial Map

Site Plans

Staff Parking Concept