

## Legislation Text

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**File #:** ID 20-0127, **Version:** 1

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JAA Rentals, LLC Variance Request - 927 5<sup>th</sup> Street South - Establish a 5' landscaping space and 23 space parking lot

### **Summary:**

The applicant is seeking two (2) variance requests associated with converting a previously owner-occupied unit to a rental unit within an apartment complex.

### **Background:**

The property is located on the northwest quadrant of Medary Avenue and 5<sup>th</sup> Street South and is zoned R-3A. An apartment was constructed on the property in 1964 with a second apartment building constructed in 1973. One floor of the apartment building was owner-occupied and was not subject to the parking requirements of the zoning ordinance. The property recently changed ownership and the new owners would like to rent the four bedroom unit that was previously occupied.

A change in use for the unit from owner-occupied to a rental unit requires compliance with the zoning ordinance. This change triggers compliance with the parking and landscaping requirements for the property.

The property consists of four 2-bedroom units, five 1-bedroom units, and one 4-bedroom unit requiring a total of 27 off-street parking spaces. The owner is proposing 23 parking spaces. The current parking lot is a gravel parking lot up to the west property line. The landscaping regulations require a greenspace area consistent with the side yard setback, which is 7 feet in this district. The applicant is requesting a variance to the greenspace requirements to allow 5 feet of landscaping rock along the west property line.

### **Variance Criteria:**

- 1. Due to special conditions, a literal enforcement of the provisions of this 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 the variance.**  
*The apartment buildings were constructed prior to the landscaping regulations taking effect. The existing parking lot extends almost to the west property line and the proposal would provide an improved landscape buffer over what currently exists.*
- 2. Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.**  
*The lot is irregular shaped with the west property line running at an angle with the narrowest portion of the lot along 5<sup>th</sup> Street South.*
- 3. The variance is necessary for the preservation of a property right that is substantially the same as that possessed by other owners of other property in the same district.**  
*The variance requests preserve the property right to lease a floor of the apartment.*
- 4. The variance requested is the minimum variance which would alleviate the hardship.**  
*The request seems to be the minimum amount necessary to alleviate the hardship.*

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

*There is reasonable use of the property without the variance, however, the parking lot and landscaping improvements would not be required as the one floor of the apartment structure would remain vacant.*

**Recommendation:**

Staff recommends approval of the variances as the change of use will require the owner to pave the parking lot and install screening along the west property line as it abuts a residential property. Staff views these two requirements as improvements to the overall property. The owner proposed 24 parking spaces, however, staff supports 23 parking spaces as the one additional space would have created another variance as well as decreased the width of the drive aisle in the parking lot. Staff also supports landscaping rock between the parking lot and the required future fence along the west parking lot provided plantings are appropriately spaced. The owner initially requested 3 feet of greenspace and 2 feet of landscaping rock as part of the 5 foot greenspace request. The owner indicated the 2 feet of landscaping rock is for the car overhang and would be difficult to maintain grass in that area. Staff agrees and supports landscape rock on the entire 5 foot area with plantings spaced appropriately.

**Attachments:**

Notice  
Aerial Map  
Site Plan