

**Date of Meeting:** July 7, 2016  
**Subject:** Variance to allow increased driveway width.  
**Project Name:** 1124 S Husband St  
**Location:** 1124 S Husband St

### **BACKGROUND**

A duplex is currently under construction at the subject property. A site plan with a driveway that meets the maximum driveway width was approved with the building permit for the duplex. The application seeks to install a wider driveway to accommodate an additional vehicle, so there will be one parking space for each bedroom.

Driveways are limited in width to 22 feet, based on the lot width. Husband Street has a 100 foot wide right-of-way. The applicant wants to start widening the driveway at the sidewalk to allow for the additional parking space along Husband Street. The approved site plan proposed 5 parking spaces off the alley side and three spaces off Husband Street. However, the design of the duplex, with a unit facing the alley and a unit facing Husband Street would require that one occupant park further away from the unit in which they live. The driveway will still have a width of 22 feet between the sidewalk and the radius. The driveway width at the property line is proposed to be 36 feet.

The applicant received a variance from the Board of Adjustment in 2015 to allow reduced building setbacks to 12<sup>th</sup> Ave.

### **CODE APPLICATION**

Sec. 37-61. - Definitions.

**Driveway** means that portion of a public right-of-way which is normally used for ingress to and egress from private property abutting a street, alley, easement or other public way.

Sec. 37-129. - Provisions for driveways and vehicular access—Residential.

Except as may be provided in an approved PUD plan, or for semidetached single-family dwelling lots, all residential lots under 100,000 square feet in size shall abut at least one public street for at least 35 feet, which street shall provide a direct and primary means of ingress and egress for all dwelling units. In no case shall a residential structure with four or less units be allowed access onto a principal or minor arterial street if access is otherwise available onto either a collector or local residential street. Residential lots containing four or less units along an arterial street where access is not available to a collector or local street, and residential lots with more than four units in all cases, shall be required to comply with the same curb cut size and location standards as nonresidential properties.

- (1) The basic design standards for residential driveways are shown in figure A, [section 37-135](#).
- (2) The minimum width for a single car driveway shall be ten feet and for a two or more car driveway 16 feet at the property line. **The maximum width for a two or more car driveway shall be 22 feet for lot widths equal to 50 feet and less than 60 feet in width, 28 feet for lot widths equal to 60 feet and less than 75 feet in width, and 32 feet**

for lot widths equal to and greater than 75 feet as measured at the property line. The following table A provides a quick reference to the maximum residential driveway width permitted by lot width:

TABLE A. RESIDENTIAL DRIVEWAY WIDTH PERMITTED

Lot Widths (Street Frontage)	Maximum Driveway Widths
<b>50 to &lt; 60 feet</b>	<b>22 feet</b>
60 to < 75 feet	28 feet
≤ 75 feet	32 feet

Sec. 37-133. - Appeals and variances.

Appeals from decisions made by administrative officers and requests for variances from the standards of this section may be taken to the board of adjustment as stated below:

- (1) Rulings, requirements, decisions, or interpretations with regards to this section made by an administrative officer of the city may be appealed to the board of adjustment. Any person aggrieved may appeal by filing a written notice of appeal with the office of the city clerk within ten days from the date of the action complained of. All notices of appeal shall specify the grounds for the appeal and contain a brief summary of all facts which the aggrieved party deems material to his appeal. A hearing on the appeal shall be heard by the board of adjustment not later than 30 days from the date of filing the required notice of appeal.
- (2) An appeal to the board of adjustment shall stay the enforcement of any ruling, decision, or requirement of the administrative officer, unless the administrative officer certifies to the board of adjustment that by reason of the facts stated in the certificate of the officer, a stay would in his opinion cause an immediate public hazard or impair life or property; in such case, enforcement shall not be stayed other than by a restraining order issued by a court of competent jurisdiction upon due and sufficient cause shown.
- (3) **The board of adjustment may grant, in a particular instance, such a variance from the terms of this section as will not cause detriment to the public good, safety, or welfare, or be contrary to the spirit, purpose and intent of this section where, by reason of any unique and exceptional physical circumstance or condition of a particular property, the literal enforcement of this section will result in an unreasonable hardship.**

**DISCUSSION/ANALYSIS/FINDINGS**

City Code Section 23.23. Variances.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by Chapter 23, Article 7 may be granted, in whole, in part, or upon reasonable conditions as provided in this Article, only upon a finding by the board of adjustment that:

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;

The application of the ordinance does not appear to create an unnecessary hardship because the duplex has been approved with a site plan that does meet the ordinance. The use of the property is not being hindered by the ordinance.

(2) Such conditions are peculiar to the particular piece of property involved;

The property is unique in that it is zoned RT, Residential One and Two-family, but is within the BID, Business Improvement District overlay. A previous variance was approved based in part on the uniqueness. Development in the area requires special review. In addition, the driveway is located on a street with 100 feet of right-of-way. The driveway is already unusually long due to the distance from the street to the property line (37 feet).

(3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and

Relief would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or Comprehensive Plan. The design with the driveway widening just before the property line would be hardly noticeable to the casual observer. The arrangement would allow for less paved area and more yard space.

(4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Staff was unable to identify a specific hardship; however, the request is the minimum necessary for the proposed design.

#### **MINIMUM RELIEF NECESSARY**

The minimum relief necessary for the proposed design is to allow the driveway as designed, with a maximum width of 36 feet at the property line and a width of 22 feet between the radius and a point 14 feet east of the property line.

#### **RECOMMENDATION**

After reviewing the four (4) criteria as indicated above, staff finds that the applicant has met items 2, 3, and 4. Staff would recommend that the Board further review item 1, the hardship, to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

**Prepared by:** Tom Coots, Planner I  
**Date of Preparation:** June 28, 2016  
**Attachments:** Area Map, Applicant's Criteria, Approved Site Plan, Proposed Site Plan  
**Map Designation:** SW