



CITY OF DAHLONEGA

Planning Commission Agenda

December 03, 2024, 6:00 PM

City Hall - Mayor McCullough Council Chamber

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes - September 16, 2024
Sarah Waters, Assistant City Clerk

OLD BUSINESS

1. ZONING CASES:
2. CONDITIONAL USES:

NEW BUSINESS

1. ZONING CASES:
2. (BZA-24-5) Thomas Blackwood has requested three variances from the Zoning Ordinance as provided below for the property at 52 Riley Road (parcel D11 070):
 1. Relief from Sec. 705, One principal building on a lot, to construct one duplex and one single-family dwelling on one lot in a R-3: multiple-family residential district.
 2. Relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet, reduce the minimum side yard setback from 10 feet to 5 feet, and reduce the minimum rear yard setback from 10 feet to 5 feet along a non-arterial street in a R-3: multiple-family residential district.
 3. Relief from Sec. 2002, Minimum lot width, lot size, floor area and density standards, to increase the maximum dwelling units per acre from 8.0 to 9.0, and to reduce the minimum lot area for a duplex from 20,000 square feet to 14,637 square feet, in a R-3: multiple-family residential district.

NOTE: Since public advertising occurred, the applicant has amended his application to request less Code relief as provided in the accompanying materials.

3. CONDITIONAL USES:

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare ...for ALL!



CITY OF DAHLONEGA

Planning Commission Minutes

September 16, 2024, 4:00 PM

City Hall - Mayor McCullough Council Chamber

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

CALL TO ORDER

Chair Conaway called the meeting to order at 6:01 P.M.

PRESENT

Chair Robert Conaway
Commission Member Michael Feagin
Commission Member James Spivey
Commission Member James Guy
Commission Member Noah Steinberg
Commission Member Jane O'Gorman

PLEDGE OF ALLEGIANCE

Chair Conaway led the Pledge of Allegiance.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

1. ZONING CASES:
2. CONDITIONAL USES:

NEW BUSINESS

3. ZONING CASES:
4. BZA-24-4

William Egan has requested a variance from the requirements of Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 29 feet along a non-arterial street in the R-1: single-family residential district.

City Manager Martin provided an overview of this item to the Commission.

Chairperson Conaway inquired whether the second survey was conducted at the bank's request.

Commission Member Spivey asked for an estimate of the potential implications if the request were denied and questioned who proposed applying for the new variance.

Commission Member Feagin shared his perspective, noting that the applicant is his neighbor and that he regularly travels this road. He observed a significant amount of confusion between staff and the parties involved in this case. Feagin highlighted the numerous events leading up to this process and recommended approving the request.

City Manager Martin invited public comments in favor of the item.

Julie Hogen: Expressed her support, stating she does not see any issues with the request.

Chairperson Conaway called for a motion.

Motion made by Commission Member Guy, Seconded by Commission Member Feagin.

Voting Yea: Commission Member Feagin, Commission Member Spivey, Commission Member Guy, Commission Member Steinberg

Voting Abstaining: Commission Member O'Gorman

5. CONDITIONAL USES:

ADJOURNMENT

Chairperson Conaway adjourned the meeting at 6:45 P.M.

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare ...for ALL!

Narrative of Hardship and Request for Zoning Relief

Subject Property: 52 Riley Road, Dahlonega, GA 30353 (.336 acres)

Tax Plat and Parcel: Dahlonega (District 02) Parcel ID#D11070 LOT LL 985 LD 12-1

Existing Property Zoning and Use : R-3, Multiple-Family Residential

Proposed Property Zoning and Use: R-3, Multiple-Family Residential

Date: 9/13/2024

To Whom It May Concern:

We, Thomas Blackwood and Vera Blackwood, the new owners of the property located at 52 Riley Road, are writing to formally request zoning relief from the City Council to address significant constraints that are impeding our ability to optimally redevelop and improve the property. Our request is rooted in substantial hardships that we face due to existing infrastructure and regulatory constraints. Below, we provide a comprehensive overview of our situation, and the specific relief sought.

Property Overview and Challenges

In November 2023, we acquired the property and, following the completion of the tenants' leases, performed a comprehensive inspection. Based on this assessment, we determined that rebuilding from the ground up is the most practical and cost-effective approach to address the property's current challenges. Originally constructed around 1973, the house has undergone a series of unpermitted modifications over the years and suffers from significant water intrusion issues. This decision aligns with our commitment to not only improving the property's aesthetic appeal but also supporting the area's future growth objectives.

Our consultations with engineers, builders, contractors, and architects have highlighted significant challenges due to the city sewer and stormwater drainage pipes that traverse the property. These pipes occupy approximately 26% of the total land area, severely restricting our ability to fully utilize and redevelop the site as envisioned.

Proposed Redevelopment

We plan to undertake a major redevelopment project that will result in a new, architecturally designed, and landscaped multi-family building. (Duplex with detached garage) This project aims

to elevate the property's value, contribute positively to the neighborhood, and inspire further property improvements within the community.

Requested Zoning Relief

To facilitate this redevelopment, we are seeking the City Council's assistance in granting relief from certain zoning code sections. The proposal for this project will require different forms of zoning relief as outlined below:

Option 1:

1. Sec. 2001 - Minimum Setback Requirements:

- Request: Reduction in the minimum front, side, and rear setbacks along a non-arterial street in the R-3 zoning district.
- Justification: The existing sewer and stormwater pipes on the property significantly impact the available space, necessitating setback relief to ensure the effective use of the remaining land.

2. Sec. 2002 - Minimum Lot Width, Lot Size, Floor Area, and Density Standards:

- Request: Relief to align the property's development with the zoning requirements for lot width, lot size, floor area, and density.
- Justification: The lot size and existing zoning designation support a multi-family use, but the infrastructure constraints require flexibility to achieve an efficient design.

Rationale for Relief

Section 2001 (Setbacks): The need for setback relief arises directly from the unavoidable presence of the sewer and stormwater pipes. Without this relief, the development would be severely constrained, impacting both the functionality and aesthetic quality of the project. The attached exhibit illustrates the impact of these constraints on our proposed design.

Section 2002 (Lot Size): The property is zoned R-3, permitting multi-family use with a lot size of 0.336 acres. The requested relief is a technical adjustment to accommodate the property's existing configuration and optimize its utility. Although the property is zoned R-3, its 14,636 sqft falls short of the required 20,000 sqft. Our request aligns with the intent of the zoning and seeks to maximize the site's potential in line with future development objectives.

Conclusion

We are enthusiastic about contributing positively to the community and believe our project will have a meaningful impact on property values and neighborhood development. We respectfully request the City Council's consideration of the proposed zoning relief to enable us to proceed with our redevelopment plans.

Attached is a detailed design along with design inspirations that reflect our commitment to improving the property and contributing to the growth of Dahlonega.

Thank you for your attention and consideration.

Sincerely,

Thomas and Vera Blackwood

blackwoodth@yahoo.com

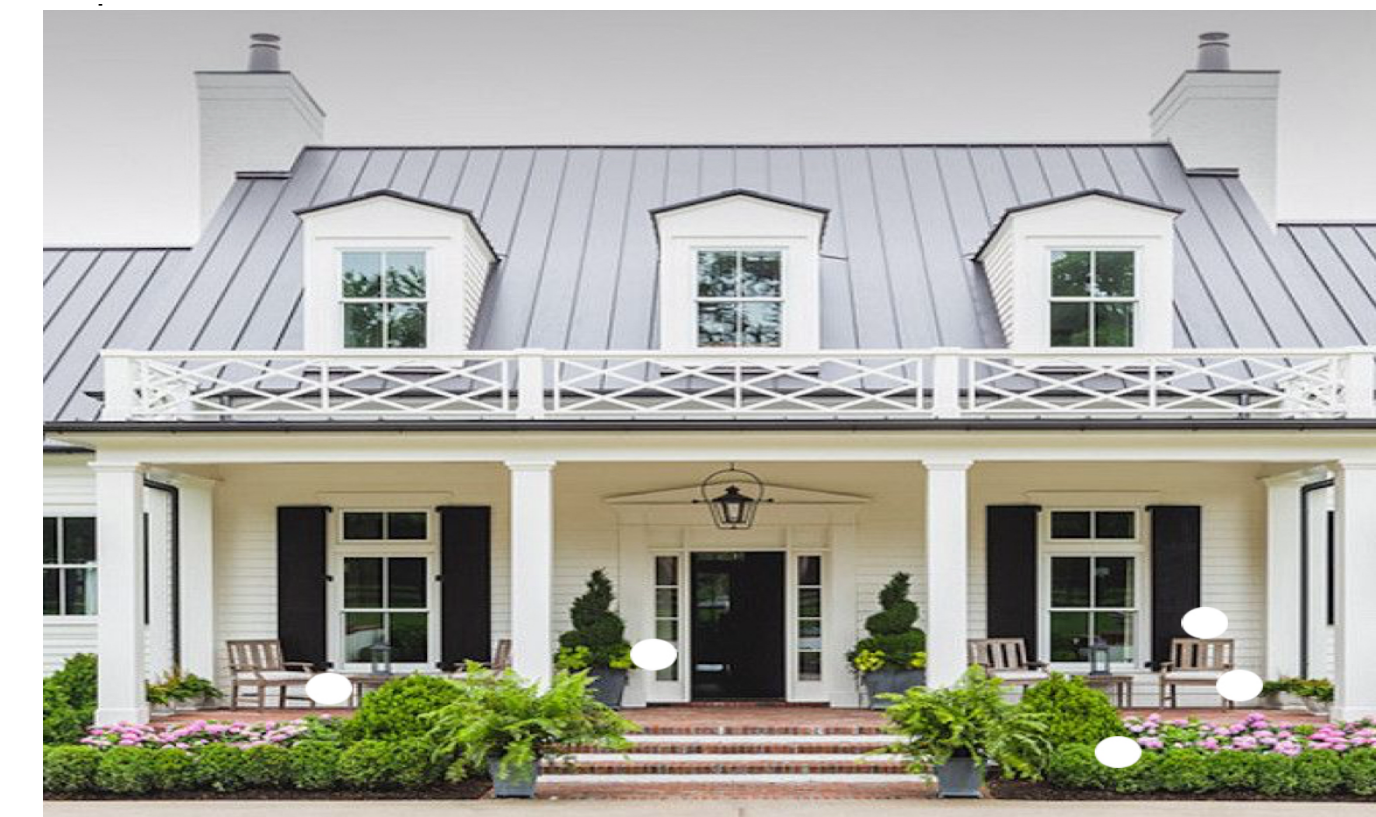
678-517-4444



Carriage House Character



Duplex Character

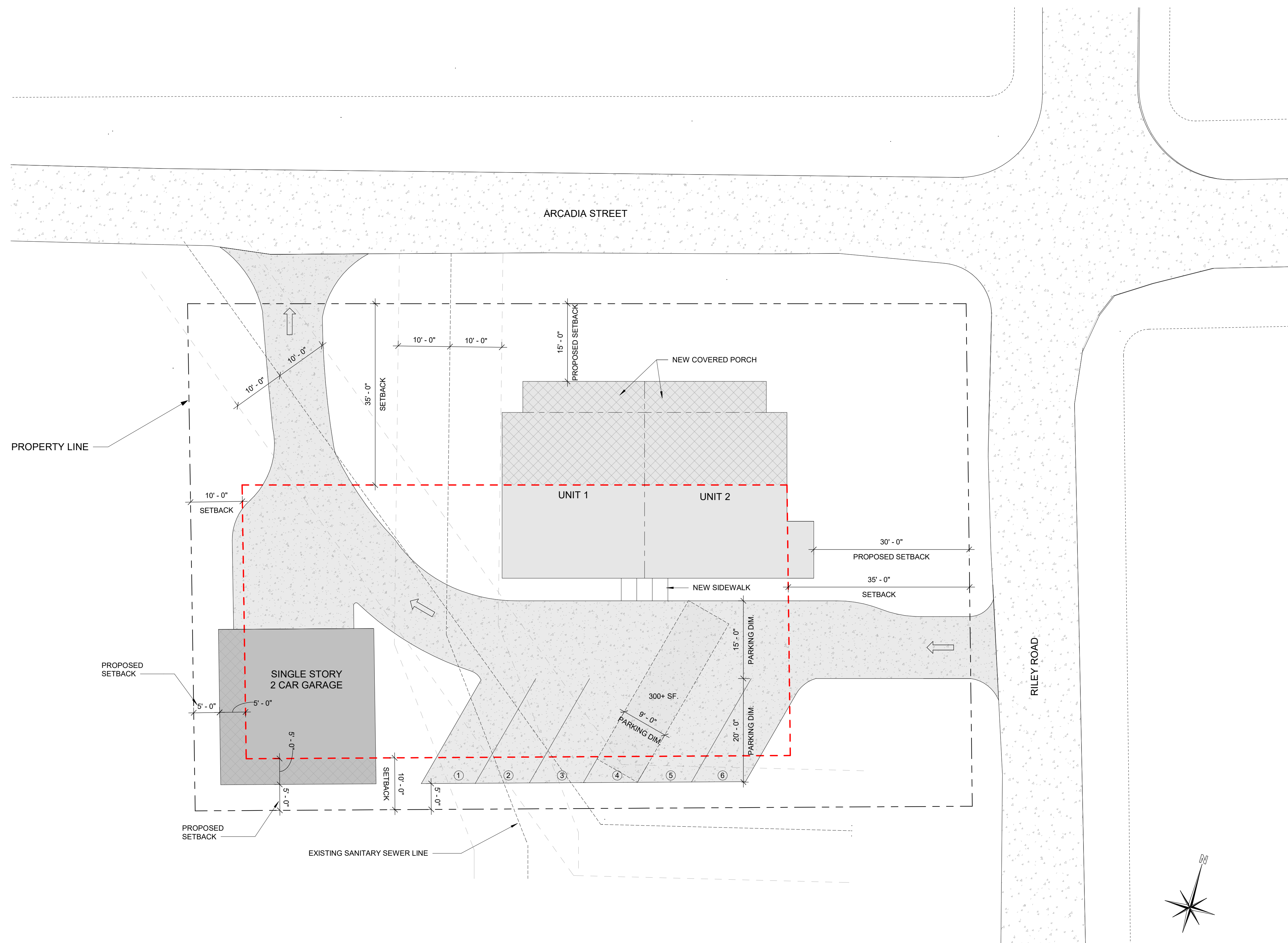


Note:
The images included in this document are intended for design inspiration only. The final design of the duplex and carriage house is currently in development and will not be an exact match or replication of any of these images.

DESIGN INSPIRATION
2431 BLACKWOOD RESIDENCE

08-29-2024





VARIANCE REQUEST:
 FRONT YARD SETBACK (ARCADIA STREET) = 15'-0"
 FRONT YARD SETBACK (RILEY ROAD) = 30'-0"
 REAR AND SIDE YARD SETBACK = 5'-0"
 PROPOSED UNITS = 3

PROPERTY INFORMATION

ARCHITECT: BRYCE JENNINGS
 RUTLEDGE DESIGN GROUP
 770-633-6341
 3100 INTERSTATE N. CIR. SE
 SUITE 211
 ATLANTA, GA 30339

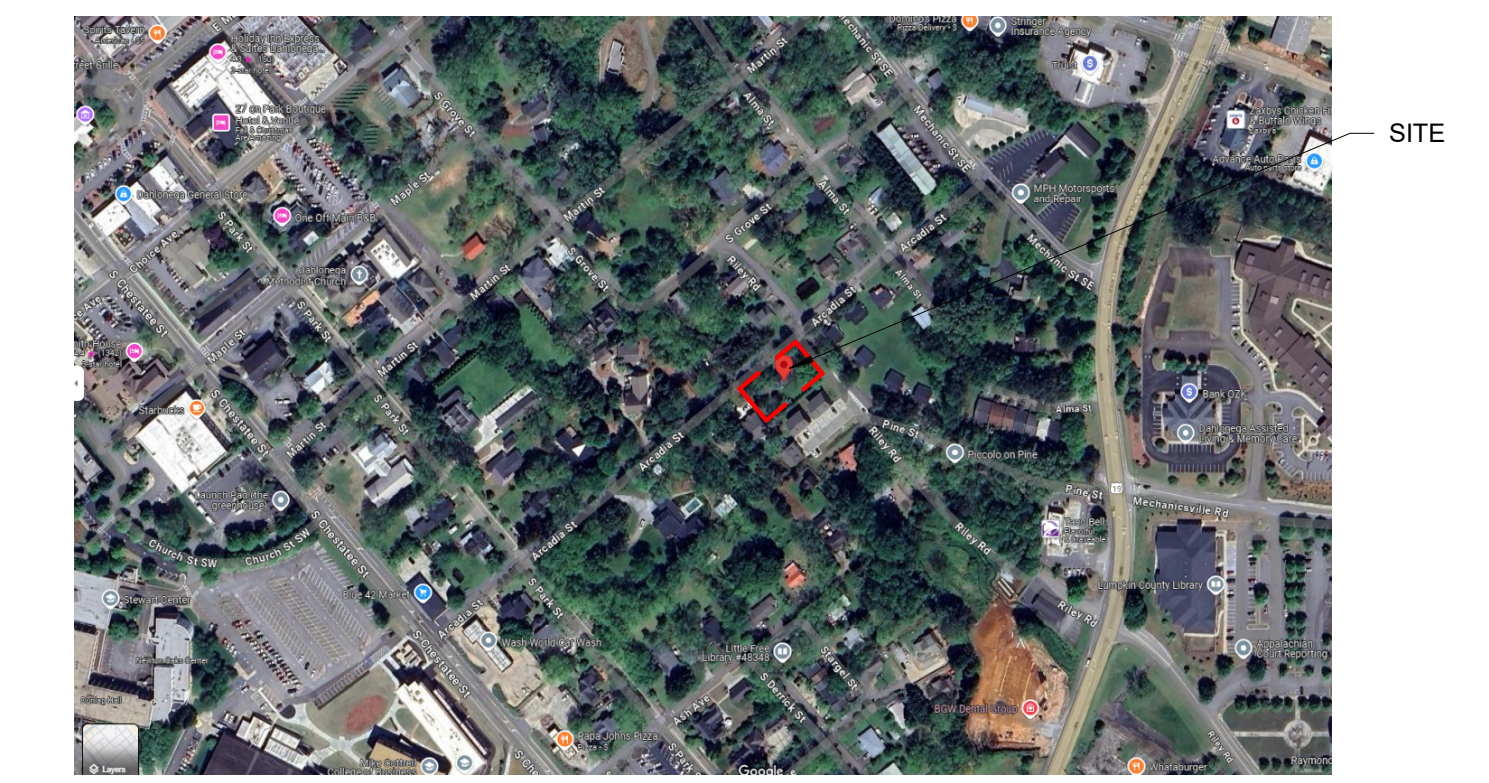
OWNER: THOMAS & VERA BLACKWOOD
 678-517-4444
 52 RILEY ROAD
 DAHLONEGA, GA 30533

ADDRESS: 52 RILEY ROAD
 DAHLONEGA, GA
 R3 - MULTI-FAMILY

PARKING: SINGLE STORY 2 CAR GARAGE
 6 OUTDOOR PARKING SPOTS

UNIT MIX: 2 UNIT DUPLEX

IMPERVIOUS MATRIX			
PROPERTY AREA		14,630 SF	
PRINCIPAL BUILDING	FLOOR AREA	EXISTING	PROPOSED
	PORCHES	1,660 SF	1816 SF
	DRIVES AND SIDEWALKS	308 SF	374 SF
GARAGE	FLOOR AREA	2,100 SF	4356 SF
	COVERED PORCH & DECK	265 SF	900 SF
	ENTRY PAD	0 SF	0 SF
		0 SF	0 SF
TOTAL IMPERVIOUS AREA		4,333 SF	7446 SF
TOTAL EXISTING IMPERVIOUS AREA		4,333 SF	28.00%
PROPOSED IMPERVIOUS AREA		7,446 SF	50.90%



1 VARIANCE SITE PLAN - OPTION 1
 3/32" = 1'-0"

VARIANCE SITE PLAN

2431 BLACKWOOD RESIDENCE

11-14-2024



P2024000019

BK:2024 PG:20-20

FILED IN OFFICE
CLERK OF COURT
01/31/2024 03:26 PM
RITA HARKINS, CLERK
SUPERIOR COURT
LUMPKIN COUNTY, GA

Rita Harkins

6793028691
PARTICIPANT ID

RESERVED FOR CLERK'S FILING INFORMATION

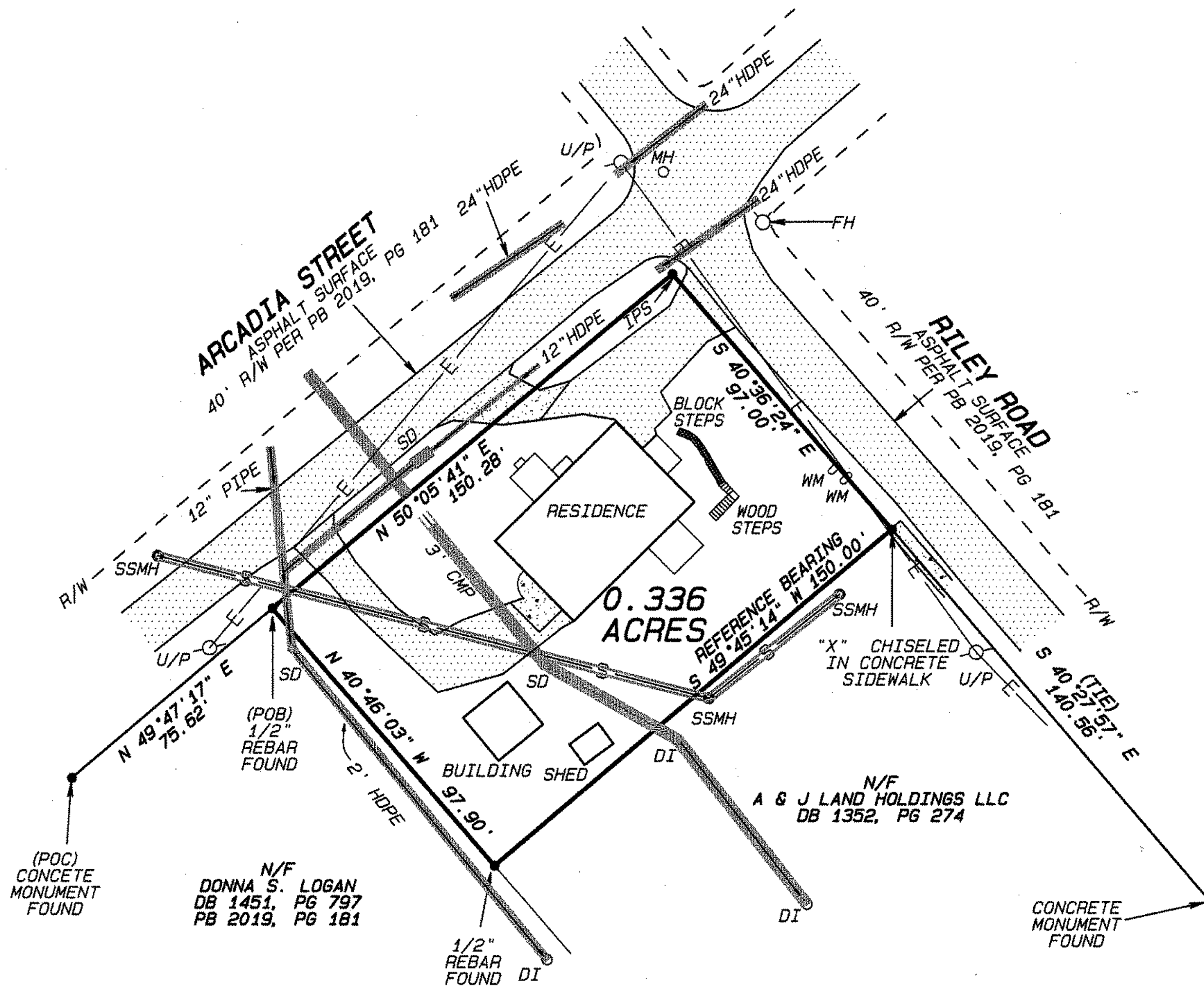
THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17089 FEET, AND WAS NOT ADJUSTED.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 98954 FEET.

EQUIPMENT USED: TRIMBLE VX ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.



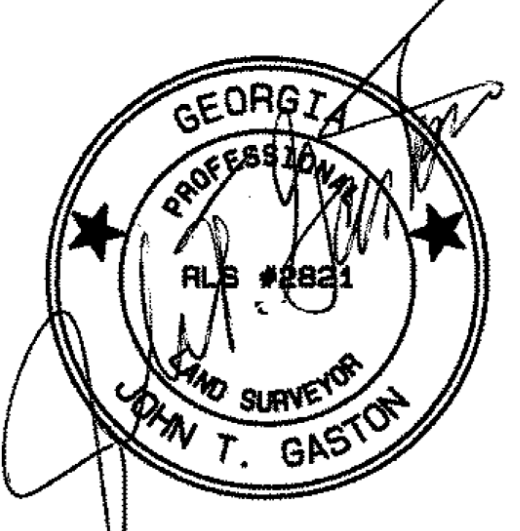
NOTE: UNDERGROUND UTILITIES SHOWN ARE AS PROVIDED BY THE CITY OF DAHLONEGA. LOCATIONS ARE NOT WARRANTED.

* THE SANITARY SEWER EASEMENT WIDTH AND THE STORM DRAINAGE EASEMENT WIDTH WERE NOT DETERMINED

- = ASPHALT
- = GRAVEL
- = CONCRETE

- N/F = NOW OR FORMERLY
- R/W = RIGHT OF WAY
- U/P = UTILITY POLE
- E- = OVERHEAD WIRES
- FH = FIRE HYDRANT
- S- = SEWER LINE
- SSMN = SANITARY SEWER MANHOLE
- DI = DROP INLET
- SD = STORM DRAIN
- WM = WATER METER
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE
- CAB = PLAT CABINET
- SL = SLIDE
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING

SCALE 1 INCH = 40 FEET



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon.
 RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

John T. Gaston

PLAT OF PARCEL RETRACEMENT SURVEY FOR
THOMAS & VERA BLACKWOOD
 LAND LOT 985, 12TH DISTRICT, 1ST SECTION
 CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA
 LSF # 1074: ALTASURV LLC dba
GEOIMAGE
 LAND SURVEYING, LAND PLANNING & DESIGN
 21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

PLAT DATE: JANUARY 11, 2024	FIELD DATES: DECEMBER 4-13, 2023
FIELD CREW: SM LF JS MT JH	
DRAWN BY: JDH/PDA	
DRWG FILE: VERA BLACKWOOD	
JOB # 4975	





CITY OF DAHLONEGA
465 Riley Road
Dahlonega, Georgia 30533
Phone: 706-864-6133

VARIANCE REQUEST

Case	BZA-24-5
Parcel I.D.	D11 070
Address	52 Riley Road
Petitioner	Thomas Blackwood
Planning Commission Meeting Date	December 3, 2024, 6:00 PM
Board of Zoning Appeals Meeting Date	December 16, 2024, 4:00 PM
Zoning Designation	R-3: Multiple-Family Residential District
Requests	<p>(1) Relief from Sec. 705, One principal building on a lot, to construct one duplex and one single-family dwelling on one lot.</p> <p>(2) Relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet, reduce the minimum side yard setback from 10 feet to 5 feet, and reduce the minimum rear yard setback from 10 feet to 5 feet along a non-arterial street.</p> <p>(3) Relief from Sec. 2002, Minimum lot width, lot size, floor area and density standards, to increase the maximum dwelling units per acre from 8.0 to 9.0, and to reduce the minimum lot area for a duplex from 20,000 square feet to 14,637 square feet.</p>

Summary

The applicant is seeking relief from the City of Dahlonega Zoning Ordinance to redevelop a 0.336 +/- acre (14,673 square foot) parcel located on the southwest side of the intersection of Riley Road and Arcadia Street. The applicant originally applied for relief from Code sections

705, 2001, and 2002 to redevelop the site with one duplex and one single-family house, and the application was advertised as such. This relief initially requested by the applicant is provided in the “Requests” row on page 1 herein. Since then, the applicant has amended their request to seek less Code relief than originally provided. As a result, request **(1)** will no longer be considered as the amended application renders it unnecessary. Furthermore, requests **(2)** and **(3)** have been reduced. The relief the applicant seeks through their current, amended submittal is provided below:

- (1)** [No longer requested for consideration].
- (2)** Relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet along a non-arterial street in a R-3: multiple-family residential district.
- (3)** Relief from Sec. 2002, Minimum lot width, lot size, floor area and density standards, to reduce the minimum lot area for a duplex from 20,000 square feet to 14,637 square feet in a R-3: multiple-family residential district.

Prior to recent amendments to their application, but following the completion of public advertising, the applicant’s variance request provided for the construction of one duplex and one single-family house on the site. The applicant has since amended their application to propose the construction of one detached garage in place of the originally proposed single-family house; this adjustment directly reduces the Code relief needed to realize their plan.

The applicant’s present request is to vary from Code sections 2001 and 2002 to redevelop the site with one duplex and one detached garage. The property is currently developed with one duplex and accessory structures, one of which is a detached “outbuilding” with a 265 square foot building footprint. The existing duplex encroaches upon the minimum 35-foot front yard setback (Sec. 2001) by an unspecified distance. Property tax records indicate the duplex has a footprint of 1,888 square feet and was constructed in 1973, followed by the outbuilding in 2007. The applicant intends to demolish both buildings; the applicant indicates this is needed due to previous “unpermitted modifications” and “water intrusion.”

Sec. 2001 of the Zoning Ordinance establishes a minimum front yard setback of 35 feet along non-arterial streets. The site is located at the intersection of Riley Road and Arcadia Street, both of which are non-arterial streets. The applicant proposes the construction of a duplex that encroaches upon the minimum building setback by up to 20 feet, coming within 15 feet of the front property line abutting Arcadia Street. The duplex will also come within 30 feet of the front property line abutting Riley Road. The proposed construction of a duplex encroaching upon the minimum front yard has necessitated variance request **(2)**.

Sec. 2002 of the Zoning Ordinance requires that any parcel developed with a duplex in a R-3: multiple-family residential district measure at least 20,000 square feet in area. The applicant proposes to demolish the existing duplex on the site, which was built in 1973, and construct a new one. The property measures 14,673 square feet, which does not meet the 20,000 square foot minimum requirement, necessitating variance request **(3)**. The proposed duplex building will have a total building footprint of 2,190 square feet, and the detached garage will measure 900 square feet, per the concept plan. This represents footprint increases of 16% (302 square feet) and 240% (635 square feet) when compared to the existing duplex and accessory outbuilding, respectively.

The subject property contains two easement areas, each measuring 20 feet in width; one for stormwater and one for sanitary sewer. No permanent structures can be built within either easement area as part of the easement agreement terms. The easements have some overlap in the west-central part of the site; however, the stormwater line generally extends north-to-south while the sanitary sewer line runs northwest-to-southeast. The easements associated with this infrastructure occupy much of the western half of the subject site. The applicant indicates that these infrastructure easements contribute to substantial hardships.

The applicant has submitted renderings which depict how the potential architectural design of the proposed duplex.

A **variance** is defined in Sec. 301 of the Zoning Ordinance as “a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.”

2022 Comprehensive Plan

The site is located within the Residential Character Area pursuant to the Comprehensive Plan. This character area is intended primarily for single-family residential development, but also accommodates multi-family residences. New houses and residential buildings should measure 1-2 stories, and infill development should be sensitive to the given locality.

- The proposed use of the site for two-family residential development is congruent with the Residential Character Area intent.

Analysis – Sec. 2406, Variances

This section provides that the Board of Zoning Appeals is empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.

Note: Analysis for request **(1)** is not provided because it is no longer being considered.

Request (2) Analysis

The applicant is requesting relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet along a non-arterial street in a R-3: multiple-family residential district.

(Language in bold is from the City of Dahlonga Zoning Ordinance. Bulleted information that is not bold are factors known to staff that may apply to the Ordinance criteria.)

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and**
 - The size, shape, and topography of the site is similar to adjacencies.
 - The presence of two utility easements on the property is unusual for a site of this size and locality. These easement areas limit buildable land area.

2. **A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and**
 - The strict interpretation of the minimum front yard setback pursuant to Sec. 2001 may create unnecessary hardship for the applicant.
 - The presence of sanitary sewer and stormwater utility easements on the site, in which permanent development is not allowed, significantly reduces the buildable area of the lot.
 - The easement areas are concentrated in the western part of the site, which leaves less restricted land to the east. The lot is situated at a street corner, resulting in increased building setbacks when compared to lots with only one road frontage, because minimum front building setbacks (35 feet) are larger than side or rear setbacks (10 feet each). The site has two front yard setbacks due to its location at the corner of Riley Road and Arcadia Street.

3. **Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and**
 - No special privileges would be conferred upon the applicant as a result of granting the requested variance.

4. **Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and**
 - The granting of the variance is unlikely to cause substantial detriment to the public good.

5. **The special circumstances are not the result of the actions of the applicant; and**
 - The circumstances of this variance request are largely not the direct result of the applicant.
 - The applicant is directly responsible for the proposal to remove and replace the existing duplex.

- The removal of the existing structures is due to past unpermitted work and significant water damage, per the applicant.
- However, the existence of two utility easements, both of which restrict the buildable area of the lot, is outside the applicant's control.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

- Concurrent to this request, the applicant is seeking the following:
 - Request **(3)**; relief from Sec. 2002, Minimum lot width, lot size, floor area and density standards, to reduce the minimum lot area for a duplex from 20,000 square feet to 14,637 square feet in a R-3: multiple-family residential district.
 - If request **(3)** is granted, this request is the minimum required to make possible the legal use of the site.

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

- The applicant has requested this variance to construct a duplex residence, which is permitted by right in the R-3: multiple-family residential district.

Request (3) Analysis

The applicant is requesting relief from Sec. 2002, Minimum lot width, lot size, floor area and density standards, to reduce the minimum lot area for a duplex from 20,000 square feet to 14,637 square feet in a R-3: multiple-family residential district.

(Language in bold is from the City of Dahlonega Zoning Ordinance. Bulleted information that is not bold are factors known to staff that may apply to the Ordinance criteria.)

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and

- The size, shape, and topography of the site is similar to adjacencies.
- The presence of two utility easements on the property is unusual for a site of this size and locality. These easement areas limit buildable land area.

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and

- It is possible that the strict interpretation of the minimum lot size standards pursuant to Sec. 2002 could create unnecessary hardship for the applicant.
 - The site was developed with the current building (a duplex) in 1973, before the implementation of the current minimum lot size requirement for duplexes in a R-3: multiple-family residential zone.
 - The applicant's proposal to remove and replace the duplex represents the rejuvenation and continuation of the site's historic use.

3. **Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and**
 - No special privileges would be conferred upon the applicant as a result of granting the requested variance.
4. **Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and**
 - The granting of the variance is unlikely to cause substantial detriment to the public good.
5. **The special circumstances are not the result of the actions of the applicant; and**
 - The circumstances of this variance request are not the direct result of the applicant.
 - The subject site has maintained its current land area since it was purchased by the applicant.
6. **The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and**
 - Concurrent to this request, the applicant is seeking the following:
 - Request **(2)**; relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet along a non-arterial street in a R-3: multiple-family residential district.
 - If request **(3)** is granted, this request is the minimum required to make possible the legal use of the site
7. **The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.**
 - The applicant has requested this variance to construct a duplex residence, which is permitted by right in the R-3: multiple-family residential district.

Staff Recommendations

Request (1)

Staff recommend this request not be considered because it has been withdrawn by the applicant.

Request (2)

Staff recommend approval of the requested relief from Sec. 2001. Staff conclude that a strict application of the 35-foot minimum front yard setback may cause the applicant unnecessary hardship.

Request (3)

Staff recommend approval of the requested relief from Sec. 2002. Staff conclude that a strict application of the 20,000 square foot minimum lot area for duplexes in a R-3: multiple-family residential district zone may cause the applicant unnecessary hardship.