

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV2-042
Address: 21 North Chester Avenue (approximate address)
Location: Center Township, Council District #25
Zoning: D-5 (TOD)
Petitioner: Jose L. Tellez Vargas, by Sarah Walters
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building renovation and roof line alteration resulting in a third story with a three-foot seven-inch northern side yard setback (maximum 2.5 stories permitted, five-foot side setback required).

ADDENDUM FOR DECEMBER 13, 2022

This petition was continued from the November 15, 2022, hearing to the December 13, 2022, hearing at the request of the petitioner. No new information has been provided to the file.

November 15, 2022

RECOMMENDATIONS

Staff **recommends approval** of the request to provide for a three-foot seven-inch northern side yard setback.

Staff **recommends denial** of the request to provide for a building renovation and roof line alteration resulting in a third story.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-5	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwelling
South -	D-5	Undeveloped
East -	D-5	Single-family dwelling / Undeveloped
West -	D-5	Two-family dwelling

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood uses for the parcel, with an overlay for the Blue Line Transit Oriented Development.

(Continued)

STAFF REPORT 2021-DV3-058 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request to provide for a three-foot seven-inch northern side yard setback, is the result of the proposed new construction/renovation of the third story addition. The three-foot seven-inch northern side yard setback would be considered legally non-conforming as it was originally developed at that setback and was Ordinance compliant at the time of that development. There is no proposed expansion of the setback, therefore it will continue to exist as it has since the dwelling was originally developed. Therefore, in Staff's opinion, the request is a minor deviation and supportable by Staff.
- ◇ The maximum structural design height permitted for a building in the D-5 district is two and a half stories. A half story is a volume with a headroom clearance of seven feet or more and limited to 60 percent of the floor area of the story directly below it. The second floor has an area of 810 square feet. The half story above may be up to 486 square feet. The proposed floor area is approximately 783 square feet. The proposed floor area could be reduced to meet this standard.
- ◇ Aesthetic Considerations listed in the Infill Housing Guidelines recommend using the neighborhood context and street types to guide appropriate massing. Local streets are appropriate for smaller massing, which would not support the variance for a third story. Designs should match the context of the neighborhood, including things like dividing larger facades into smaller components, or stepping back upper stories. A full third story would not align with these guidelines, and the increased massing would have a negative effect on adjoining structures.
- ◇ The petitioner's findings indicate the proposed height of the dwelling is consistent with the surrounding dwellings. The original dwelling was previously the same height as surrounding dwellings. With the proposed third story, the original attic walls would be increased five feet in height, making it taller than the surrounding dwellings. In addition, there are no three-story dwellings in the vicinity, so the dwelling would not match the context of the neighborhood.
- ◇ Any practical difficulty for the third story is self-imposed by the petitioner's desire for a larger floor area for additional storage, when additional storage area could be accomplished through an addition to the rear of the dwelling or a detached accessory dwelling. Therefore, Staff does recommend denial of the request for a building renovation and roof line alteration resulting in a third story.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Chester Avenue is classified in the Official Thoroughfare Plan as a local street, with a 48-foot existing and proposed right-of-way.
SITE PLAN	File-dated, October 4, 2022
FINDINGS OF FACT	File-dated, October 4, 2022

(Continued)

STAFF REPORT 2021-DV3-058 (Continued)

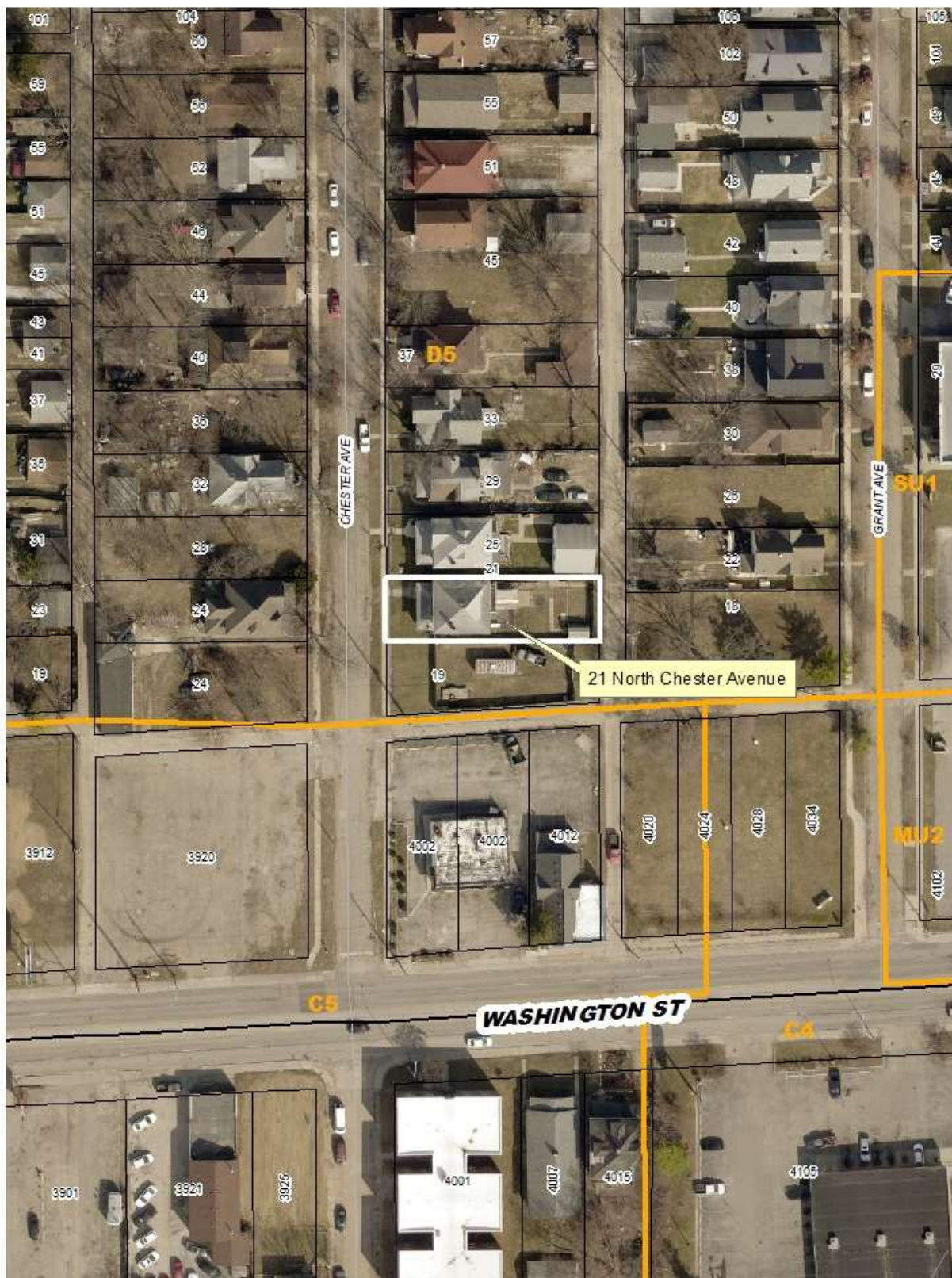
ZONING HISTORY

97-UV3-94; 56 North Denny Street (west of site), requested a variance of use and development standards to legally establish two dwelling units within an existing residential structure originally constructed as a single-family dwelling, with one unit having a floor ratio of 800.40 square feet, **granted**.

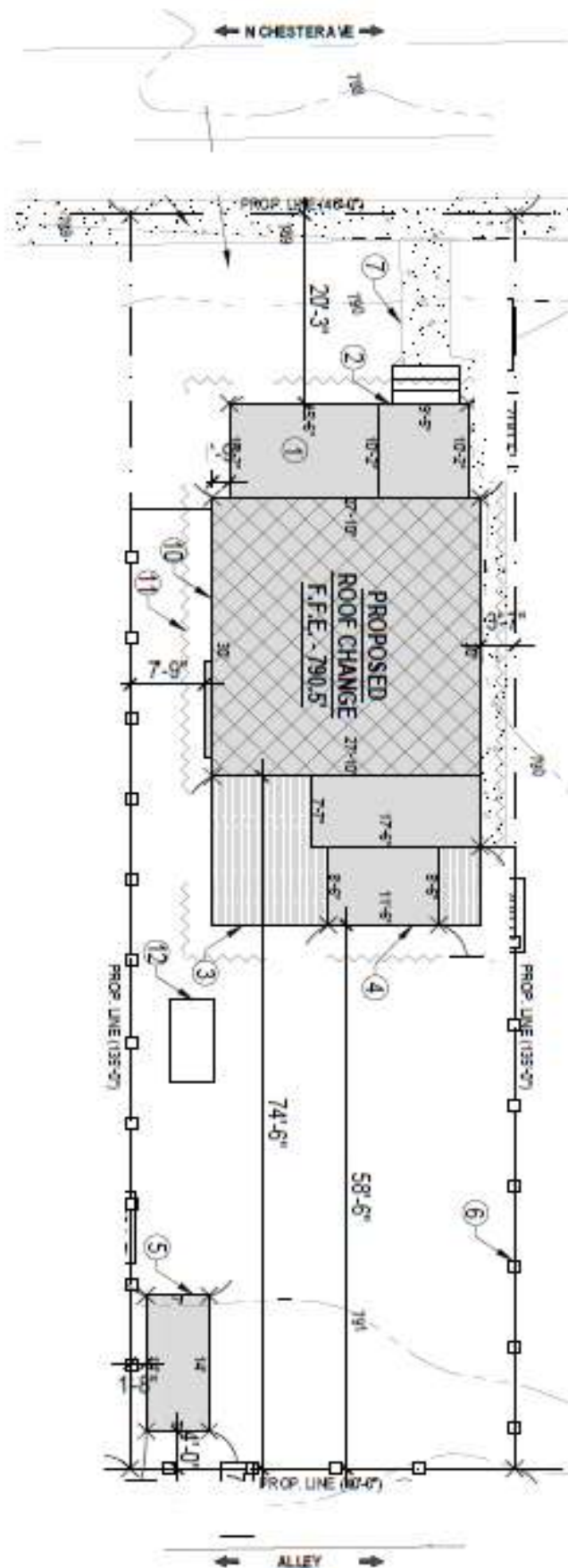
95-V2-34; 4002 East Washington Street (south of site), requested a variance of development standards to legally establish a tavern use within an existing building, being 53 feet from a protected district, with 14 parking spaces provided, with a gravel/stone driveway being zero feet from the north property line, with an asphalt interior drive zero feet from Washington and Chester streets, granted subject to conditions, **granted**.

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STAFF REPORT 2022-DV2-042; Location Map



STAFF REPORT 2022-DV2-042; Site Plan



STAFF REPORT 2022-DV2-042; Existing Elevations



STAFF REPORT 2022-DV2-042; Proposed Elevations



STAFF REPORT 2022-DV2-042; Photographs



Subject site existing dwelling with third story under construction, looking east.



Subject site existing dwelling with third story under construction rear, looking west.



Adjacent two-story single-family dwellings to the north of subject site, looking northeast.



Adjacent 2.5 story two-family dwelling to the west of subject site.