



HRPB Conceptual Review for a new accessory structure at 226 South L Street

The property at **226 South L Street** is a contributing resource within the Southeast Lucerne Local Historic District and is located in the Low-Density Multi-Family Residential (MF-20) zoning district, and therefore subject to the requirements of [LDR Sec. 23.3-10](#). Although the property is zoned multi-family, the parcel does not meet the minimum lot width or area provisions required to accommodate more than a single-family structure and an accessory structure. Accessory structures are customarily incidental and subordinate to the principal building or use. Examples of accessory structures include but are not limited to a detached garage, tool shed, pool house (cabana), and guesthouse. **The total area for accessory structures is limited in LDR. Sec. 23.3-10 to 40% of the principal structure or 1,000 square feet, whichever is less.**

The property owner is proposing an accessory structure that exceeds the size limitations provided in the zoning code. To allow the project, as proposed, a relief request is required to waive the area requirements that limit an accessory structure's size to 40% of the principal structure. The applicant has submitted a Justification Statement providing a rationale for the request and architectural drawings illustrating the proposed construction at the property.

The criteria for granting historic waivers is provided in [LDR Sec. 23.5-4\(r\)\(2\)](#). Historic Waivers provide incentives for improvements to designated landmarks and contributing properties and can waive or modify certain land development regulations.

Per LDR Sec. 23.5-4(r)(2), the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. **Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards. Before granting a waiver or modification, the HRPB must find that:**

- (A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.
- (B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.
- (C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.
- (D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

The HRPB has only previously permitted Historic Waivers when a waiver was necessary to rehabilitate a historic structure.