

City of Hastings

Planning Commission Memorandum

To: Planning Commission Members

From: Justin Fortney, Associate Planner

Date: October 22, 2012

Item: **Tabled** - OHDS review for a detached garage & Variance for driveway- #2012-41 – 408
Ashland Street – Blake and Rebecca Kiernan

Request:

Remove from the table and consider the following requests:

- Build a new detached garage which requires OHDS review
- Variance to install a new driveway for the proposed garage that accesses Ashland Street, rather than the alley as required by OHDS regulations
- Side setback variance

Updates to report: As shown on the revised site plan, the size of the garage has been reduced from 38' X 26' (988 Sq Ft) to 30' X 30' (900 Sq Ft). This will allow them to keep the garden shed (94.5 Sq Ft) on the property.

Water and Sewer Lines

The water and sewer lines were located to be running near the middle of the property. This makes avoiding them impossible. The applicants are choosing to build the garage over these lines. There are no ordinances against this.

Front Setback (Ashland St)

Since the new layout positions the garage 10-feet from the front, the following provision of the zoning ordinance will allow the 10-foot setback.

Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of the structures, but in no case shall the front yard setback be less than 10 feet. (Two neighbors to the south have zero-foot setbacks and the neighbor to the north has 23-feet).

Side Setback Variance (4th Street East)

The required side setback is 10-feet from the property line. The applicants are proposing a 5-foot setback. The applicants state this is due to needing room to turn vehicles into the side-loaded garage.

There is not a definitive amount of space needed for this. The plan shows a 27.5' turn around area to the retaining wall and house. The parking lot standards for a 2-way drive isle to pull into a 90-degree parking stall is only 22-feet.

One possible way to address this issue is to make the following changes, or similar variation:

- move the building 1-foot to the south (towards house)
- Reduce the building depth 4-feet from the north property line to 26' deep (the originally proposed depth)
- and increase the width of the building 5' to the west for a total width of 35'

The City staff recommends the following conditions of approval:

- 1) Conformance with the Planning Commission staff report and plans dated October 22, 2012.
- 2) Approval of a building permit.
- 3) Approval is subject to a one year Sunset Clause; if significant progress is not made towards construction of the proposal within one year of City Council approval, the approval is null and void.
- 4) Garage setbacks must be 10-feet from the property line along Ashland Street and 10-feet along 4th Street East.
- 5) The existing garage must be removed after the new one is built.

Original report

Background Information: The applicant would like to remove a dilapidated garage on the south portion of the property and build a new garage on the north side. The home was constructed in 1870 and is zoned R-2 (Medium Density Residential).

OHDS Review: The structure is proposed to be 26' by 38' (988 Sq Ft) with a 10/12 pitched roof, blue 4" lap vinyl siding to match the house, two 8'-wide overhead doors, a service door, and no windows. The garage will be highly visible from 4th Street East.

The setbacks shown on the site plan are not adequate. The applicants are aware of this and do not have an issue with accommodating the following setback requirements.

- A garage may not be located closer to the fronting street (Ashland St) than the 20' setback. Of the house.
- A garage must be set back 10' from the property line on a side street (4th St)

The current 1.5 car garage does not meet setback requirements and a larger garage in that area would certainly not meet them. For this reason, they propose building it on the north side of the property.

OHDS regulations require that garage access be taken from an alley when one exists. The applicants state that this is not possible because they have no room for a driveway. This is due to an existing shed, hot tub/ patio, and a retaining wall being located 2-feet in from the west property line. In addition, the applicants state that a driveway from the alley will direct water from the raised alley down to their home. Water from the alley draining towards the house has always been a concern of the applicants. Along with this project they intend to place a retaining wall along the alley to keep water directed away from their property.

OHDS regulations require garages to have similar building materials and design elements as the main structure. The home has vinyl siding without historic trim and has a shingled roof with about a 10/12 pitched roof. The proposed garage has these same features but has no windows proposed. Windows should be added with similar size and shape of the house's windows to meet the OHDS regulations.

There are many large trees on the lot and one or two of them are proposed to be removed for the proposal along Ashland Street to accommodate the driveway.

Variance review: A new variance statute require that a variance request must be supported with the following:

- Evidence that practical difficulties in complying with the regulations exist
- Circumstances relating to these difficulties may not have been created by the landowner
- The variance may not alter the essential character of the locality

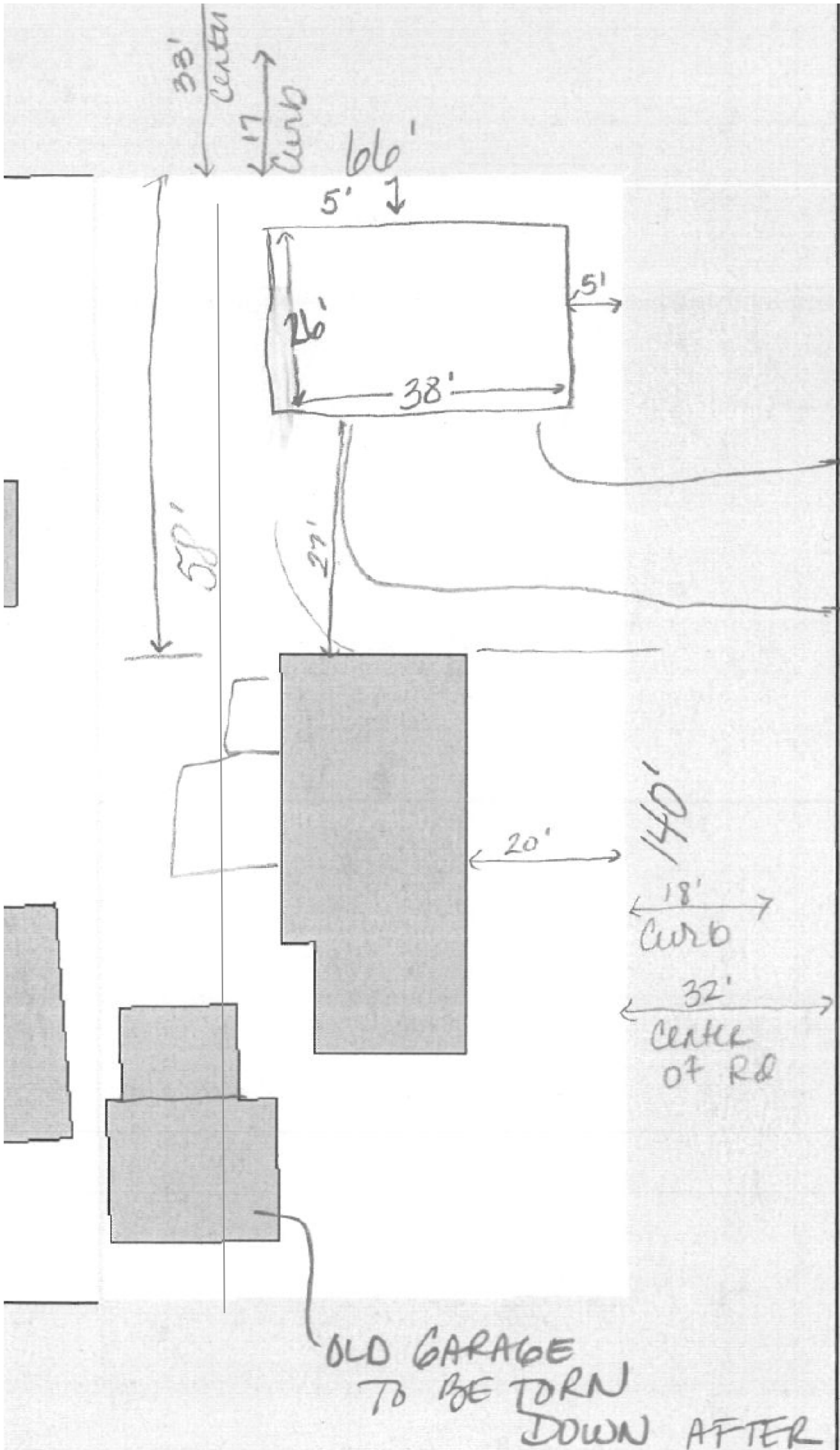
While the location of the shed, hot tub/ patio may have been as a result of the landowner, the existing topography and west retaining wall do limit the ability to have a driveway from the alley to the proposed garage. In addition, if granted, this variance would not alter the essential character of the locality because there are currently about 15 properties that directly access streets rather than alleys in the within 350-feet of this property, including three on Ashland.

Attachments

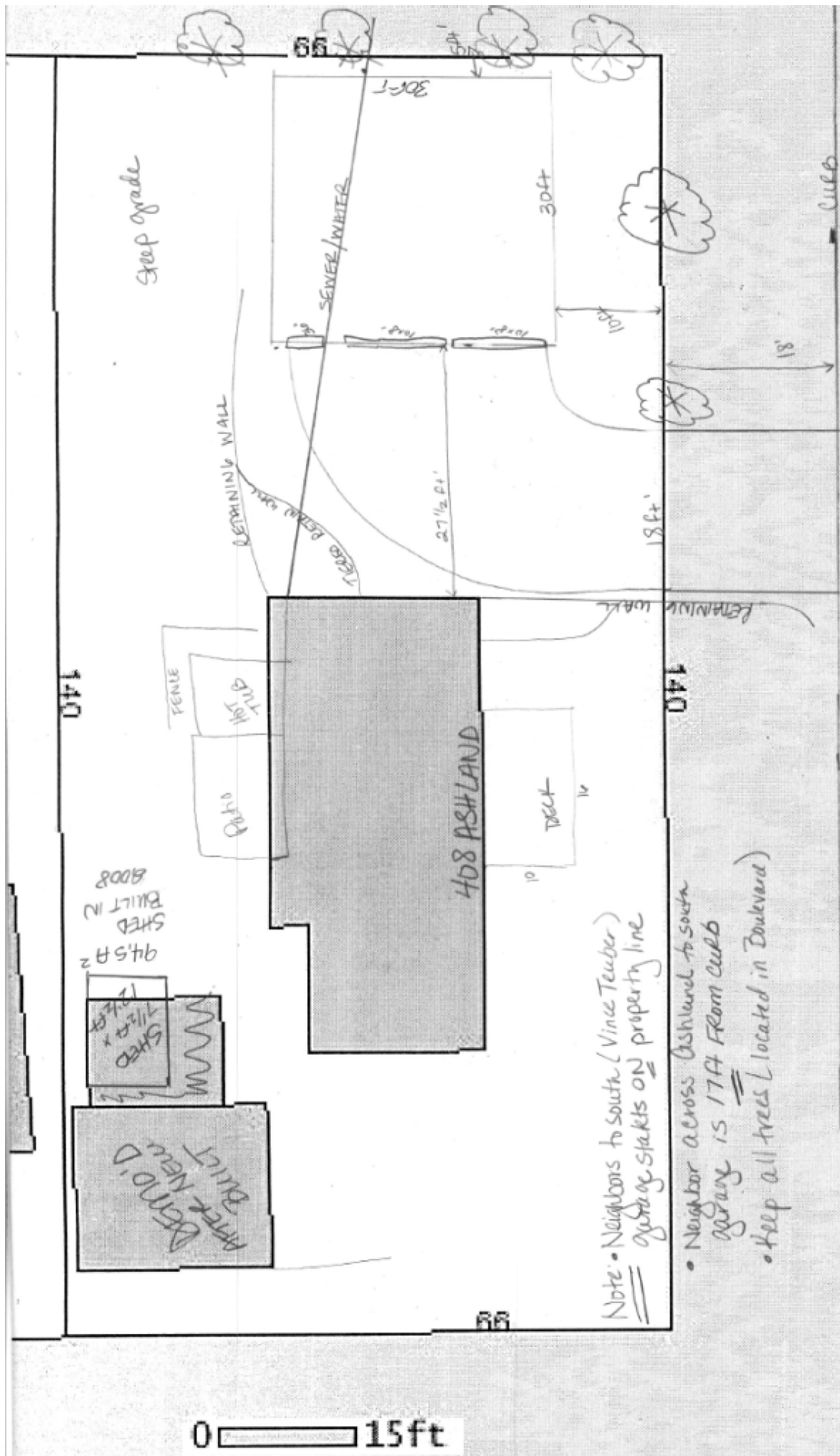
- Aerial Photograph
- Artistic rendering of site
- Site Plan
- Photographs



Original Plan



Revised Plan



Note: Neighbors to south (Vince Teuber)
garage starts ON property line

- Neighbor across Ashland to south garage is 17ft from curb
- keep all trees located in Boulevard

0 15ft

Staff suggestions to comply with side setback

