

Variance

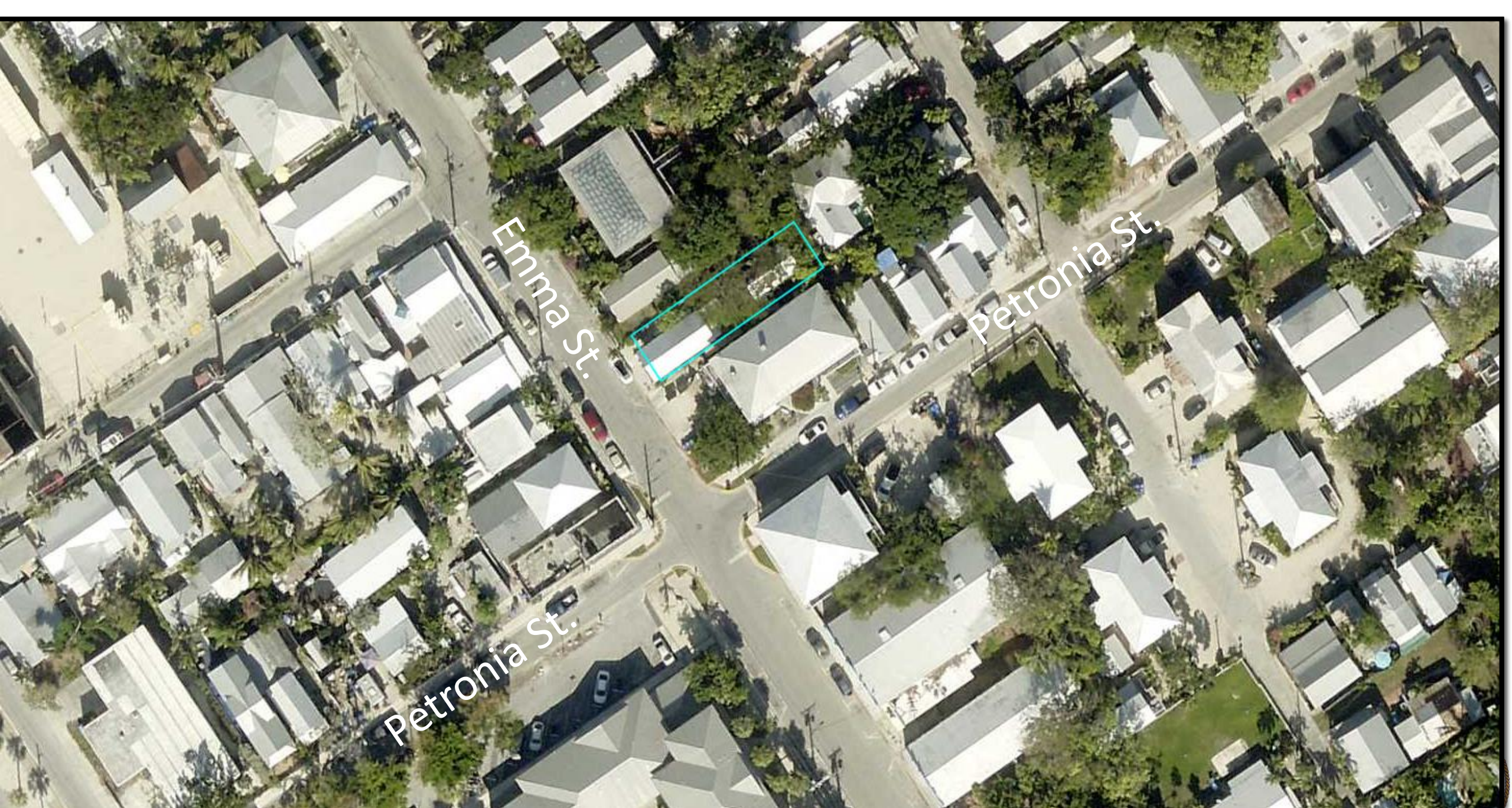
727 Emma St.



The applicant is requesting an after the fact variance to the side and rear setbacks, maximum building coverage, and rear yard coverage in order to alter and finalize a noncomplying structure in the rear yard to be used as accessory living space.

Request





Emma St.

Petronia St.

Petronia St.

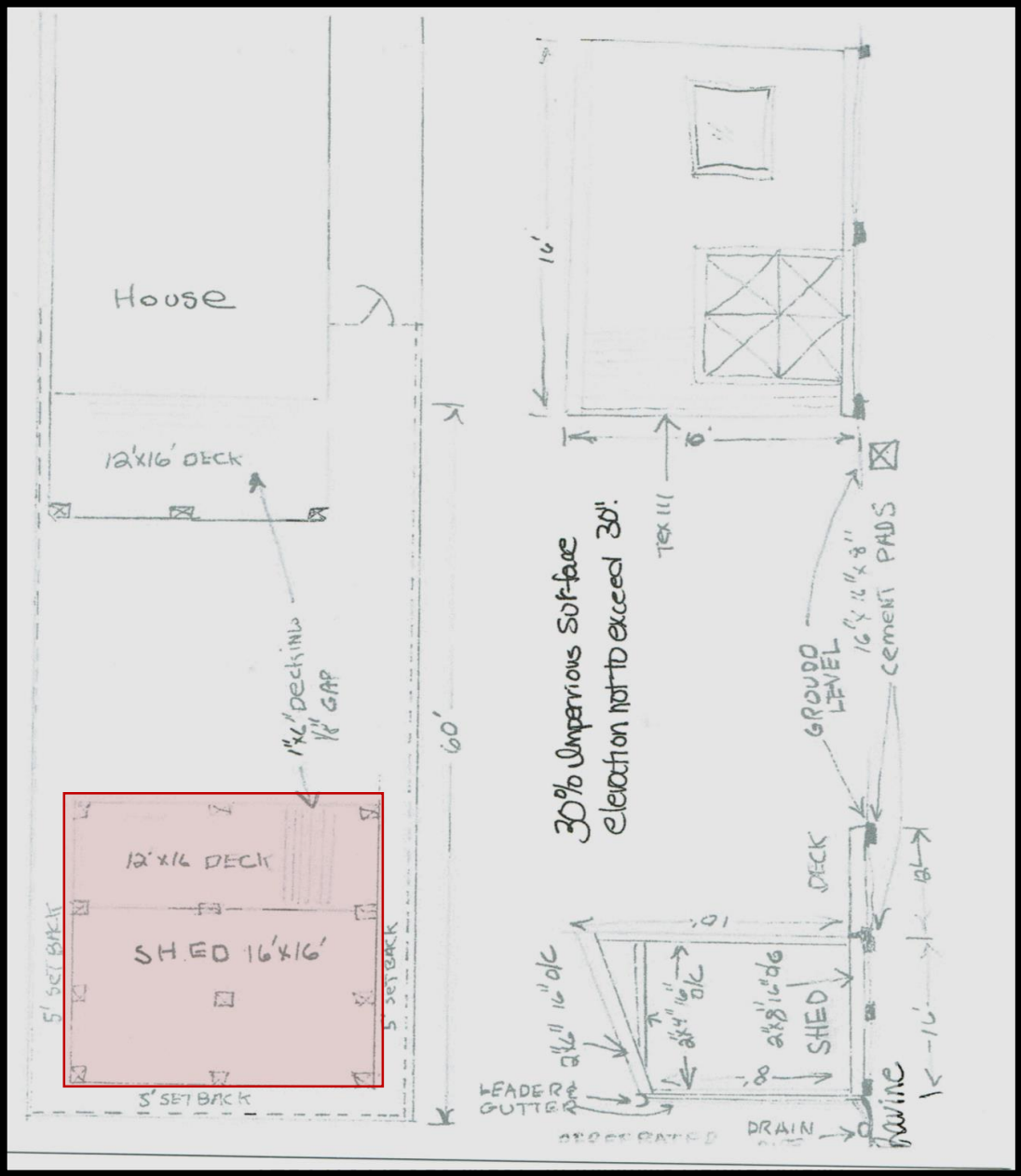



- Zoned Historic Medium Density Res. (HNC-3)
- Located in the Historic District
- Principal structure is a historically contributing structure
 - Built in 1920
- Applicant proposes to expand upon an approved building permit form 2016. The proposed project will expand the proposed shed to an accessory living structure.

Background



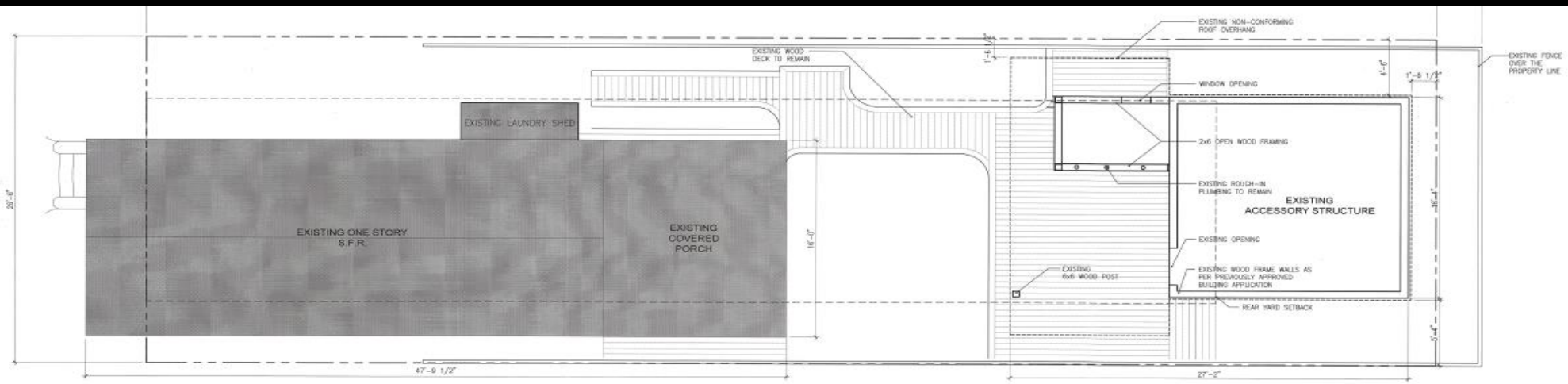
Approved 2016 Building Permit Site Plan, 727 Emma St.



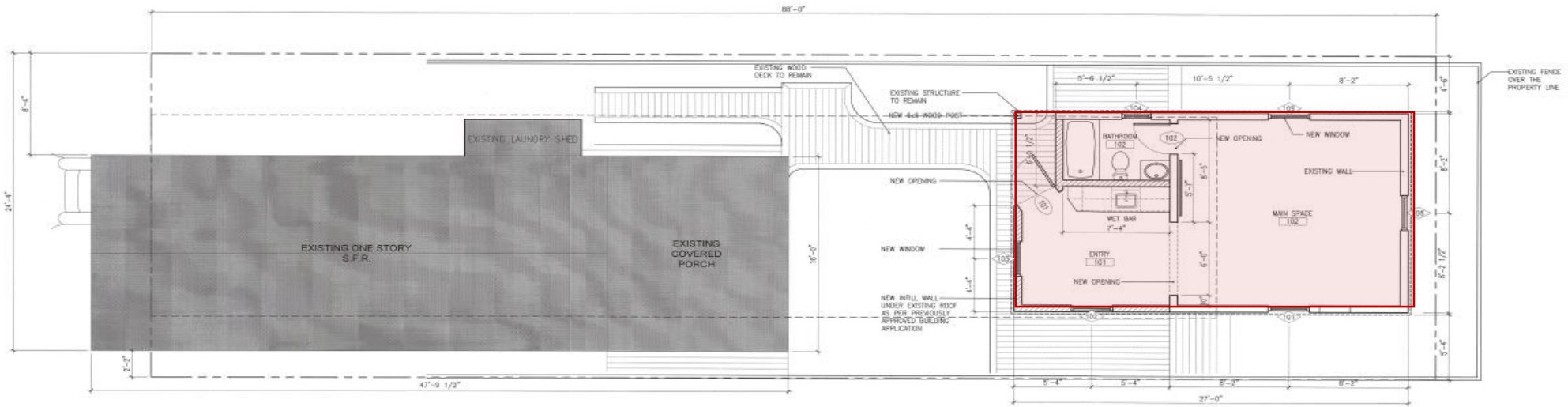
 Complying structure



Proposed Site Plan, 727 Emma St.



1
A2.1 EXISTING FLOOR PLAN
SCALE: 1/4"=1'-0"



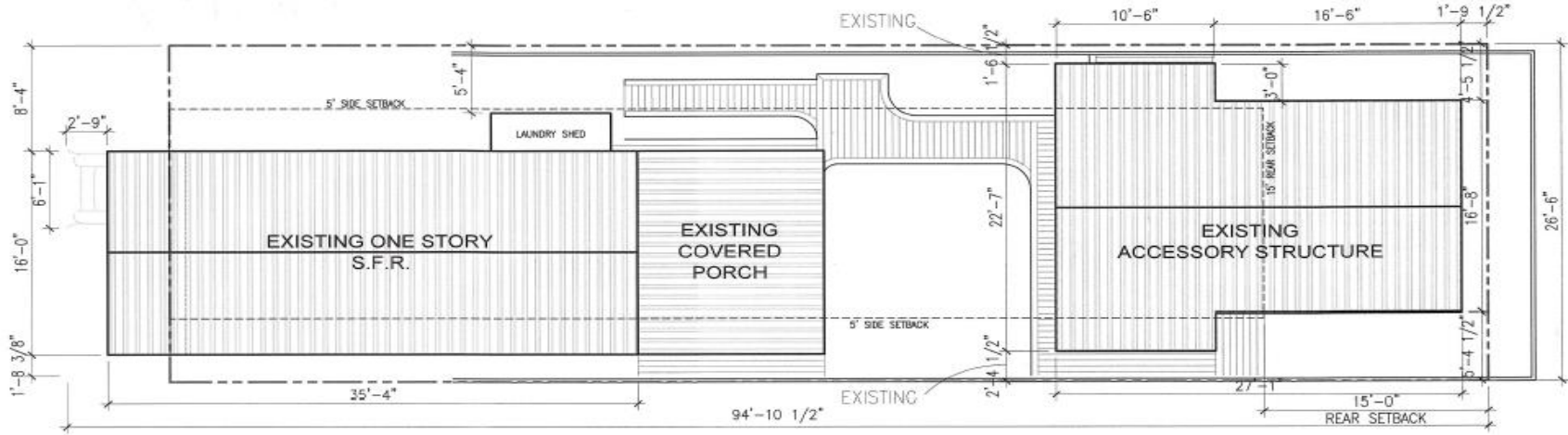
2
A2.1 PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"

 Proposed structure

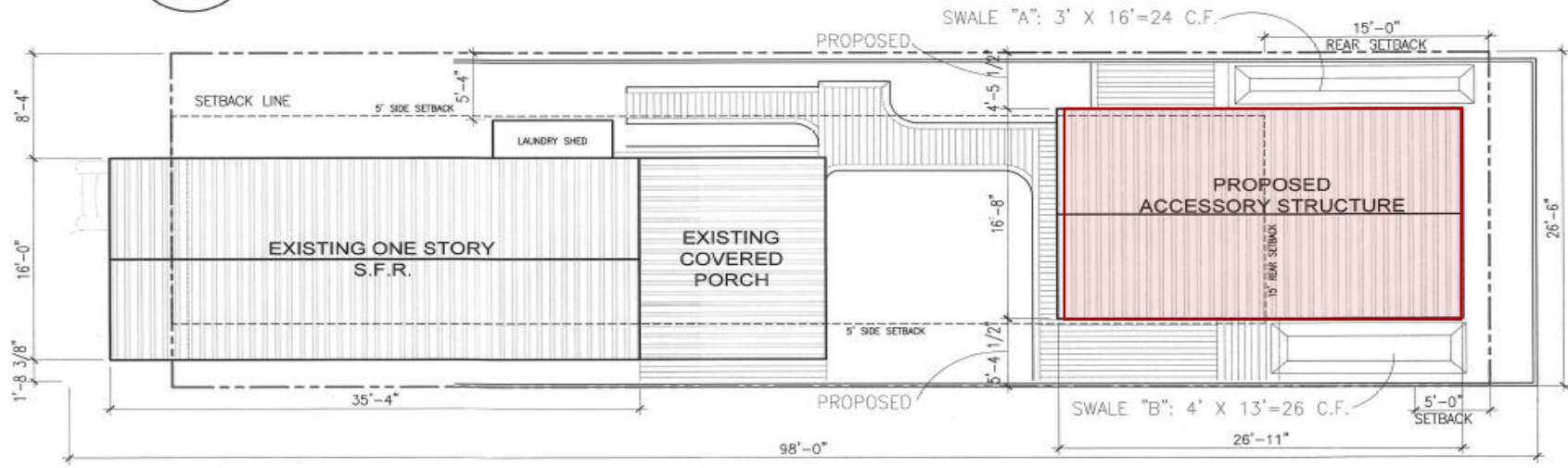


Proposed Site Plan, 727 Emma St.

 Proposed structure



1
A1.1 EXISTING SITE PLAN
SCALE: 1/8"=1'-0"



1
A1.1 PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"



Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HNC-3			
Flood Zone	X			
Size of Site	2,332 sqft			
Height	30	12'10"	12'10"	n/a
Front Setback	0'	n/a	n/a	n/a
Side Setback	5'	1.5'	1.5'	3.5'
Rear Setback	5'	1.7'	1.7'	3.3'
Building Coverage	40% -- 932 sqft	52% -- 1,212 sqft	49.6% -- 1,156 sqft	9.6% -- 223 sqft
Impervious Surface	60% -- 1,399 sqft	52% -- 1,212 sqft	49.6% -- 1,156 sqft	n/a
Open Space	35% -- 816	47% -- 1,096 sqft	48% -- 1,119 sqft	n/a

Site Data



1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.

NOT IN COMPLIANCE

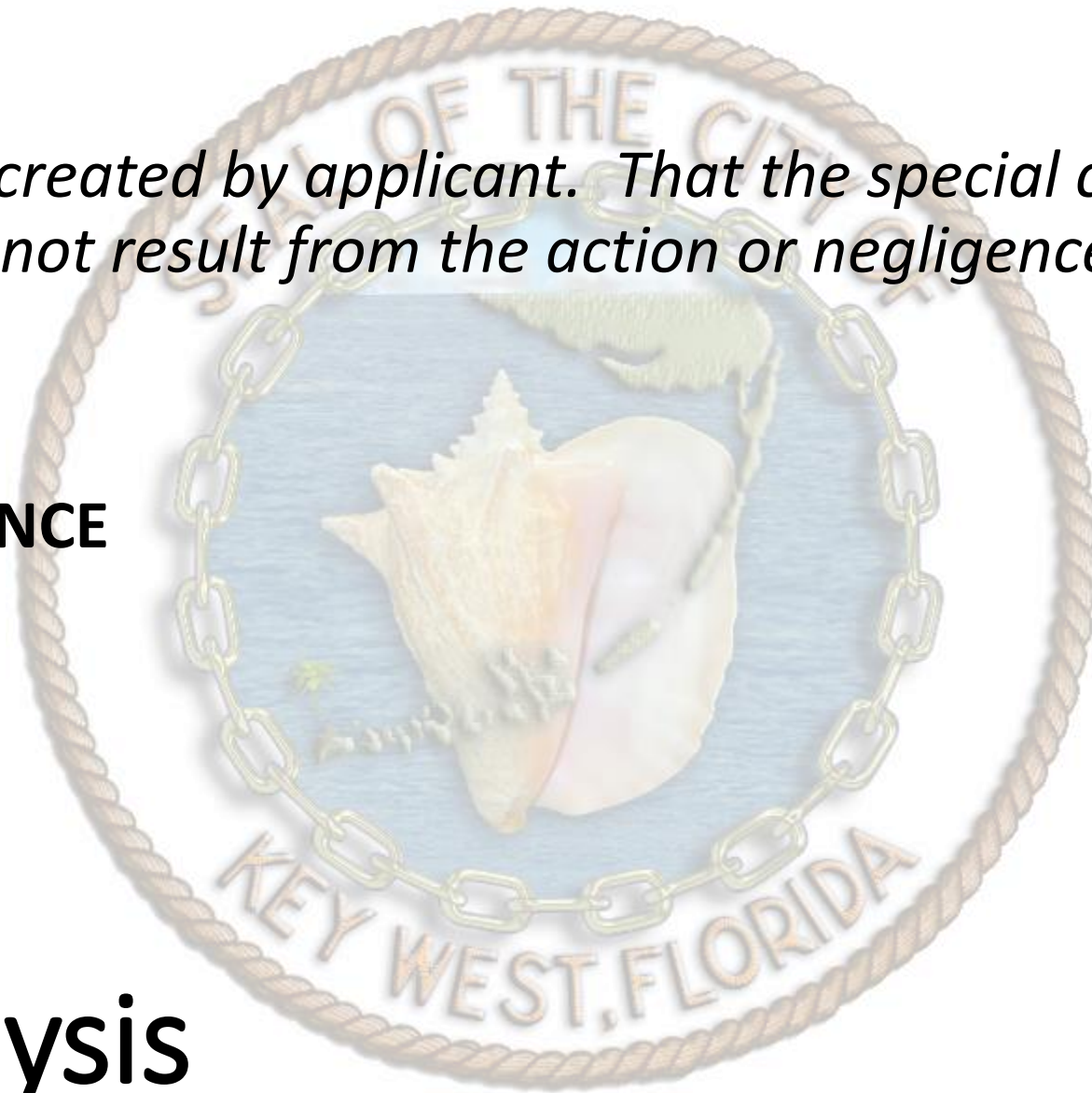
Staff Analysis



2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant

NOT IN COMPLIANCE

Staff Analysis



3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.

NOT IN COMPLIANCE

Staff Analysis



4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

NOT IN COMPLIANCE

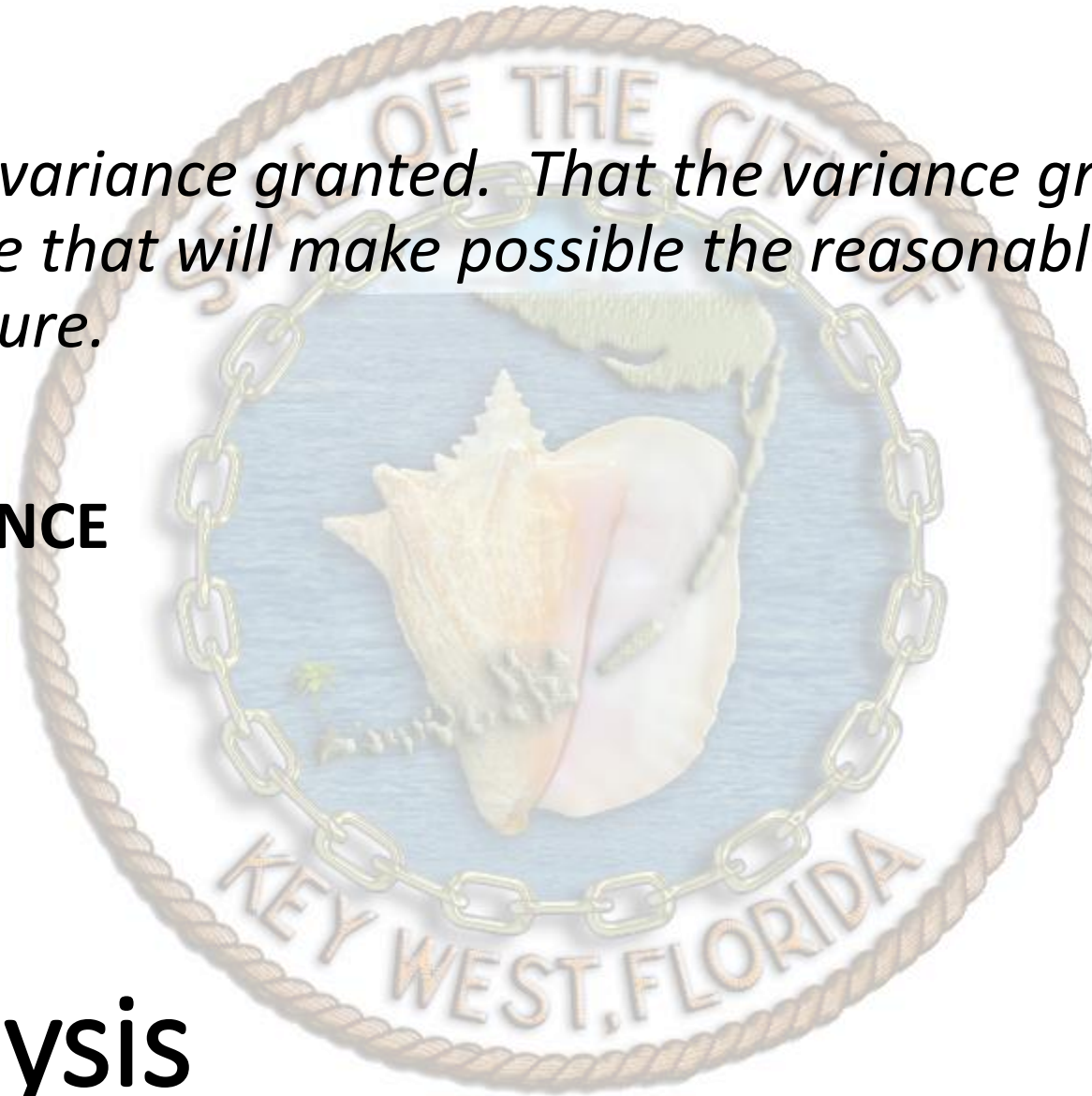
Staff Analysis



5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

NOT IN COMPLIANCE

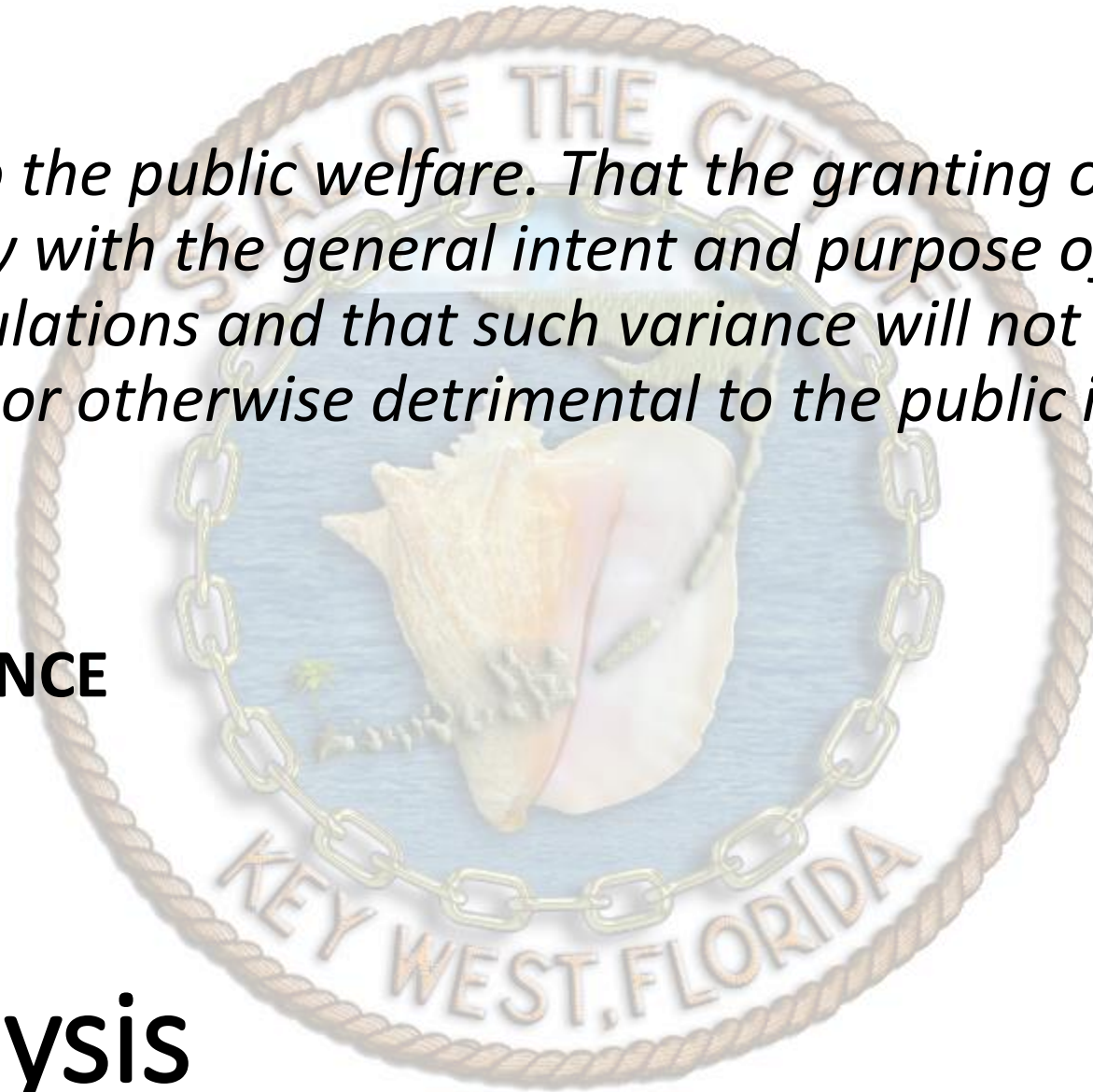
Staff Analysis



6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

NOT IN COMPLIANCE

Staff Analysis



7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

IN COMPLIANCE

Staff Analysis



The Planning Department, based on criteria in the City Code, recommends the request for a variance be **denied**.

Staff Recommendation



If a vote to approve is passed by the Planning Board, the Planning Department recommends the request for a variance be approved with the following conditions:

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 8/3/2020 by William Shepler, PA.
2. The owner sign a non-conversion agreement stating that the accessory living structure may not be converted to a rentable dwelling.
3. Landscaping be planted in the rear of the property to baffle noise and mitigate the effects of the encroaching accessory living space into the rear setback.
4. Gutters be placed on the structure and downspouts be added to drain all rain-water runoff into proposed swales.

Staff Recommendation

