

**CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT**

**LINDA BLOCK-COALTER  
1646 COWLING AVENUE  
CASE NO. 15CUP1000**

**March 30, 2015**

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Linda Block-Coalter is requesting a conditional use permit for an accessory apartment under Section 4.2.3 of the Land Development Code. The subject property is zoned R-5 Single Family Residential and is located in the Traditional Neighborhood Form District. The property currently has a principal structure in the front along Cowling Avenue, and an accessory structure in the rear along the alley. The applicant would like to use the accessory structure as a separate residential dwelling unit. The surrounding area contains a mixture of zoning and densities, including R-6 Multi-Family Residential immediately behind the subject property, and R-5A, R-5B, R-7 and OR-3 throughout the area. The subject property is approximately twice as large as most of the other residential lots along Cowling Avenue.

The proposed conditional use permit complies with the Cornerstone 2020 Comprehensive Plan because the Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, and there is usually a significant range of housing opportunities, including multi-family dwellings. The proposal preserves the existing grid pattern of streets, sidewalks, and alley, with the principal structure being accessed from Cowling Avenue, and the accessory structure from the alley to the rear, consistent with a traditional pattern of development. Use of the accessory structure as a residential dwelling unit contributes to the choice of housing alternatives in the community. The existing structures will remain in their current locations, ensuring that the existing development pattern is preserved.

The accessory apartment will be compatible with the surrounding area, which is comprised primarily of single family and multi-family residential uses. The accessory apartment is consistent with the development pattern in the surrounding area and there will be no visual, noise and or odor impacts to surrounding properties as a result of the conditional use permit. Because the subject property is approximately twice as large as many other single family residential properties along Cowling Avenue, the conditional use permit will simply allow the applicant to achieve a density comparable to surrounding uses while maintaining the existing development pattern. The subject property will meet all landscape requirements of the Land Development Code and will promote the efficient use of land and investment in existing infrastructure. The conditional use permit will not adversely affect the character and integrity of the neighborhood or the physical appearance of the subject property. Finally, all necessary public utilities are available and the property is served by the Harrods Creek Fire Department. Therefore, the proposed conditional use permit will promote the general health, safety and welfare, and will not have a negative effect on neighboring properties.

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The listed requirements in Section 4.2.3 of the Land Development Code are addressed as follows:

*A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.*

The applicant is requesting a modification of this listed requirement to allow the property owner to live in either the principal structure or the accessory apartment.

*B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.*

The applicant is requesting a modification to allow the accessory apartment to be no greater than 2,148 square feet, the square footage of the existing accessory apartment.

*C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.*

The accessory structure is 24 feet in height. This is within the 45-foot height limitation of the TNFD, and also below the height of the principal structure, which is 34.5 feet.

*D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows: Traditional Neighborhood - at least one off-street space provided on the lot. The Board may require additional parking spaces as appropriate.*

The subject property will contain two parking spaces off the alley to serve the accessory apartment. In addition, on-site parking is provided for the principal structure on the driveway and in the existing garage.

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