

Board of Zoning Adjustment Staff Report

Aug. 1, 2016



Case No:	16DEVPLAN1079
Request:	Proposed Condominiums
Project Name:	Oxmoor Park Condominiums
Location:	7410 South Park Place/116 Norwood Drive
Area:	.6408 acres
Owner:	Karim Momeni
Applicant:	Karim Momeni
Representative:	Matt Wolff – Sabak, Wilson, and Lingo Inc.
Jurisdiction:	Norwood
Council District:	7 – Angela Leet
Case Manager:	Ross Allen – Planner I

REQUEST

- Variance #1: from LDC section 5.3.3.C.2.b allowing the side yard setback (38.9' ft.) to be less than the required 50' ft.

Variations

Location	Requirement	Request	Variance
Side Yard Setback	50 feet	38.9 feet	11.1 feet

- Variance #2: from LDC section 5.3.3.C.2.b to allow vehicular maneuvering in the side yard setback.
- Waiver #1: from LDC section 10.2.10 to not provide the required Vehicular Use Area landscape buffer between lot 1 and lot 2.
- Waiver #2: from LDC section 5.8.1.B to not provide sidewalks in the abutting right of way to serve the development site along road frontages.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The development plan contains two lots, lot 1 which is vacant and lot 2 which has an existing 1.5 story brick house with a basement, both lots are owned by the applicant and are zoned R-7 within the Regional Center Form District. The applicant is proposing to construct a 2 story Multi-family building (6 condominium units) with a 3,086 sf. footprint on a corner lot (LOT 1) located on a vacant parcel zoned R-7 within a Regional Center Form District. Lot 2 will require the applicant to move the existing garage to accommodate for the vehicular use area which will be adjacent to the residential driveway. The ingress/egress for the proposed condominiums (Lot 1) has been moved along South Park Place. The residential home (Lot 2) will retain the existing driveway along Norwood Drive which leads into the VUA of the Condominiums allowing access to the garage at the rear of the home. The existing driveway will have a portion that wraps around to Norwood Drive creating a semi-circular driveway. The semi-circular driveway helps to alleviate the issue of vehicles backing out onto neighbor's lawns.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE: Lot 1 and 2

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant/ Single Family Residential	R-7	Regional Center
Proposed	2-story Multi-family Building (6 Condo units)/ Single Family Residential	R-7	Regional Center
Surrounding Properties			
North	Parks and Open Space/ Vacant	R-1; R-7	Regional Center
South	Single Family Residential/ Multi-Family	R-7	Regional Center
East	Single Family Residential	R-5	Neighborhood
West	Commercial	OR-2	Regional Center

PREVIOUS CASES ON SITE

No related zoning cases or enforcement actions associated with the subject property.

INTERESTED PARTY COMMENTS

Staff received two letters (Attachments # 5 and 6 of the staff report) on May 16, 2016: the first letter from the Norwood City Council states they are in favor of the Sidewalk Waiver for the subject site, the second letter is from a neighboring property, 7404 South Park Place, the individual has stated that he is also in favor of the sidewalk waiver for the subject site.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1: from LDC section 5.3.3.C.2.b to allow less than the required 50' ft. side yard setback and allow vehicular parking and maneuvering in the required 50' ft. side yard setback.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the proposed two-story condominium sets approximately 10.2' ft. from the adjusted side yard property line allowing for sufficient space between the nearest residential home located on 116 Norwood Drive (residence on lot 2).

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since there are already two other existing Multi-family residential land uses south along Norwood Road.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the subject property has a shared use access to both properties along the southern property line.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the applicant plans on having an access easement between the two properties that will be established once the applicant has submitted the minor plat.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the proposed development is similar to the multifamily units as found further south along Norwood Drive.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed ingress/egress is found directly off of Norwood Drive between the residence and the proposed multi-family condo's and any change to the structure or parking would require other waivers and/or variances.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: Since the applicant has not constructed nor can construct without the Boards approval of the variances, waivers, and the approved minor plat for the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1: of section 10.2.10 to provide the required Vehicular Use Area landscape buffer between lot 1 and lot 2.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the both lots will have a common easement access which impacts properties on lot 1 and lot 2 only.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The applicant has provided screening of the VUA from South Park Place and Norwood Drive. However, as a result of the lots sharing an ingress/egress the screening requirement cannot be met for the purpose of screening the residential property found on lot 2.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since an access easement will be undertaken during the minor plat allowing for both properties to have access off of Norwood Drive ingress/egress. The only alternative would to provide a waiver allows the applicant an ingress/egress off of South Park Place requiring a similar waiver.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since the applicant, if not allowed to construct the single shared ingress/egress off of Norwood Drive would be required to place the ingress/egress off of South Park Place. South Park Place is a narrower road than Norwood Drive and Lot 2 would still have the residential driveway allowing for access to the condominiums from South Park Place and Norwood Drive.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER # 2: of section 5.8.1.B. to not provide sidewalks along South Park Place and Norwood Drive.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there are currently no sidewalks in the general vicinity and letters of support for the waiver are documented from a neighbor and the City Council of the City of Norwood.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. However, the City of Norwood as a separate city adheres to the Land development code requiring sidewalks in the case. Sidewalks are not found in the nearby Neighborhood, along South Park Place, or Norwood Drive.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since adding sidewalks to the site would lead to adjacent properties that do not have sidewalks in the general vicinity. The property sits east of New LaGrange Road and north of Shelbyville Road and is only accessible by vehicular travel.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the cost of constructing sidewalks could be costly and the general vicinity has no sidewalks in the City of Norwood.

TECHNICAL REVIEW

Comments per Transportation Planning are as follows:

No existing sidewalks are located along S. Park Pl. There are sidewalks on Norwood Dr, approximately 280' from this proposed development. These sidewalks are along the Thornton's development at the corner of Shelbyville Rd and Norwood Dr. Sidewalks are constructible on both right-of-way frontages. There is a transit stop approximately 435' feet from the proposed development at the corner of Shelbyville Rd and Norwood Dr, routes 19, 29 and 31x. There are several commercial developments along Shelbyville Rd. A signal is present at the intersection of Shelbyville Rd and Norwood Dr.

STAFF CONCLUSIONS

The requested variance and waivers appear to be adequately justified and meet the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a LDC Sidewalk Waiver, Landscape Waiver, and Variances as established in the Land Development Code.

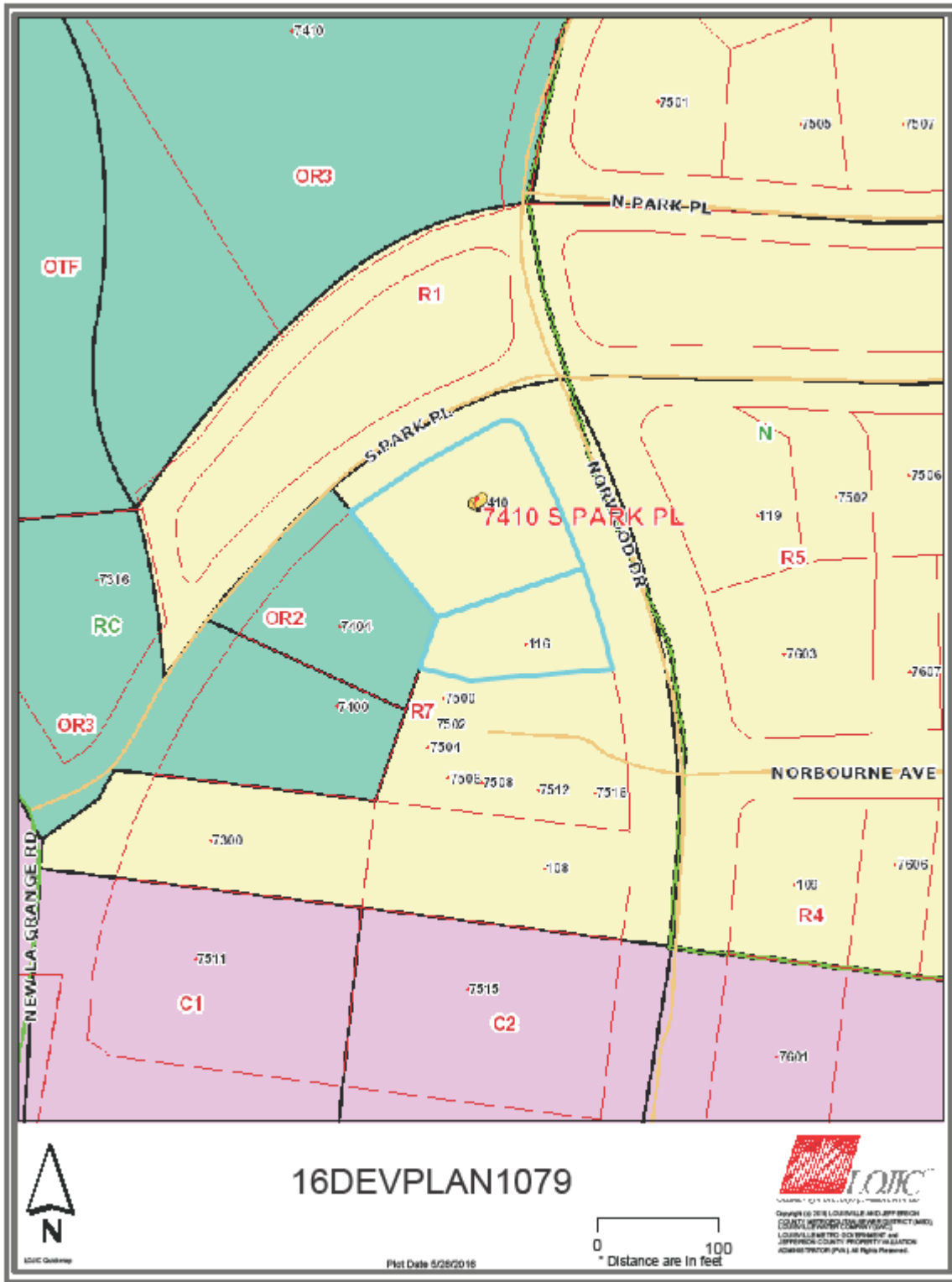
NOTIFICATION

Date	Purpose of Notice	Recipients
June 3, 2016	Hearing before PC / BOZA	1 st tier adjoining property owners Subscribers of Council District 7 Notification of Development Proposals
June 3, 2016	Hearing before PC / BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

