

RZ. 17.003
 VC. 17.003.01
 VC. 17.003.02
 VC. 17.003.03



CITY OF TUCKER

SEP 25 2017

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678-597-9040 ~ www.tuckerga.gov
 4119 Adrian Street, Tucker, GA 30084

LAND USE PETITION CHECKLIST & APPLICATION FORM
 REZONING, COMPREHENSIVE PLAN AMENDMENT,
 SPECIAL LAND USE PERMIT & CONCURRENT VARIANCE

INSTRUCTIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application. **Note: Applicants are highly encouraged to meet with nearby property owners prior to filing an application.**

APPLICATION MATERIALS

REQUIRED ITEMS	NUMBER OF COPIES	CHECK ✓
Provide one (1) a digital copy of <u>all</u> submitted materials.	• One (1) CD or flash drive in .JPEG, .TIFF, .PDF or .DOC format	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input checked="" type="checkbox"/>
Application	• One (1) Copy	<input checked="" type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input checked="" type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 16 for Requirements)	• Ten (10) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/> Pg. 1
Analysis of standards/criteria listed in 7.3.4, 7.3.5, 7.4.6, 7.4.7, and/or 7.5.3	• One (1) Copy	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Disclosure Form	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study	• Three (3) Copies	<input type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• Three (3) Copies	<input type="checkbox"/>
Noise Study Report	• Three (3) Copies	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• Three (3) Copies	<input type="checkbox"/>

SITE DISTANCE STUDY
 PROPOSED LIST OF CONDITIONS
 VARIANCE CERTIFICATION

✓
 ✓
 ✓

APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Minerva USA, LLC</u>	NAME: <u>See attached</u>
ADDRESS: <u>2292 Henderson Mill Rd</u>	ADDRESS: _____
CITY: <u>Atlanta</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30345</u>	STATE: _____ ZIP: _____
PHONE: <u>678-808-8002</u>	PHONE: _____
CONTACT PERSON: <u>Dan Cotter, Zoning Dir.</u> PHONE: <u>678-808-8002</u>	
CONTACT'S E-MAIL: <u>dcotter@minerva-usa.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-75 REQUESTED ZONING DISTRICT: RSM

PRESENT LAND USE CATEGORY: Sub REQUESTED LAND USE CATEGORY: Sub

LAND DISTRICT(S): 18 LAND LOT(S): 144 ACREAGE: +/- 3.99

ADDRESS OF PROPERTY: 1295, 1303, 1359, & 1365 Montreal Rd E; 3402 Alcay Way

PROPOSED DEVELOPMENT: 19 single-family houses

CONCURRENT VARIANCES: See attached

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>19</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>2,350-2,850</u>	Total Building Sq. Ft.: <u>NA</u>
Density: <u>4.76 units per acre</u>	Density: <u>NA</u>

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APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

Dan Cotter

8.24.17

Signature of Applicant

Date

Dan Cotter, Zoning Director, Minerva USA, LLC

Type or Print Name and Title

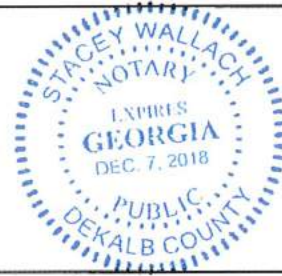
Stacey Wallach

8/24/17

Signature of Notary Public

Date

Notary Seal



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PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

Robert Langford, as Trustee for Eula M. Langford Revocable Living Trust, authorize, Minerva USA, LLC (Applicant): Dan Cotter, Zoning Dir. (Representative) Brian Davison, Mgr. (Representative)
(Property Owner) (Applicant)
rezoning & concurrent variances, at 1303, 1359, & 1365 Montreal Rd; & 3402 Alcan Way
(RZ, CA, SLUP, CV) (Address)

on this date September, 18, 2017
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

[Signature] _____ Date 9/18/17
Signature of Property Owner

Robert Langford, Trustee, Eula M. Langford Revocable Living Trust

Type or Print Name and Title

[Signature] _____ Date 9/18/17
Signature of Notary Public Notary Seal



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I, Chau Phan, (Property Owner), authorize, Minerva USA, LLC (Applicant):
Dan Cotter, Zoning Dir. (Representative)
Brian Davison, Mgr. (Representative) (Applicant)
to file for rezoning & concurrent variances (RZ, CA, SLUP, CV), at 1295 Montreal Rd (Address)

on this date Sept (Month) 19th (Day), 20 17

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- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
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- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

[Signature] Signature of Property Owner 09/19/2017 Date

Chau Phan
Type or Print Name and Title

[Signature] Signature of Notary Public 9/19/2017 Date Notary Seal



CASE # _____

MONTREAL ROAD REZONING

OWNER INFORMATION

NAME: Eula M. Langford Revocable Living Trust

ADDRESS: 1303, 1359, 1365 Montreal Rd E; 3402 Alcan Way

CITY: Tucker

STATE: GA ZIP: 30084

PHONE: 678-949-6375

NAME: Chau Phan

ADDRESS: 1295 Montreal Rd E

CITY: Tucker

STATE: GA ZIP: 30084

PHONE: 678-596-0245

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. CIRCLE ONE: ~~Party to Petition~~ (If party to petition, complete sections 2, 3 and 4 below)
~~In Opposition to Petition~~ (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1.		5.	
2.		6.	
3.		7.	
4.		8.	

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Dan Cotter, Zoning Director, Minerva USA, LLC

Signature:  Date: 8.24.17

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. CIRCLE ONE: ~~Party to Petition~~ (if party to petition, complete sections 2, 3 and 4 below)
~~In Opposition to Petition~~ (if in opposition, proceed to sections 3 and 4 below)


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4.		8.	

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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Brian Davison, Manager, Minerva USA, LLC
Signature:  Date: 8-25-2017



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PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Lankford at clankford@tuckerga.gov to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: Dan Cotter

Site Address: 1295, 1301, 1303, 1359, 1365 Montreal Rd. East Parcel Size:

Proposal Description: 1 Rezone - R-75 to RSM.

- 2 14-190 Reduce private RD. to 44' wide. (Row)
- 3 27.5.7.5.N 2 Increase front garage up to 50%
- 4 27.5.7.5.N. Allow 2ft projection of garage (vs. 2ft. in Jct).
- 5 27.5.7.5.5. Allow same facade to be repeated every 4 lots (instead of 8 lots)

Existing Zoning Designation and Case Number: R-75

Proposed Zoning Designation: RSM

Comprehensive Land Use Map Designation: Suburban

Overlay District:

Staff: Tim LAMPKIN

Date: 8/23/17 8/28/17 (2)

RZ-17-003



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September 20, 2017

Courtney Lankford, Deputy Director of Community Development
CC: Tim Lampkin, City Planner II
City of Tucker

RE: Proposal to Rezone 4 Acres on Montreal Rd & Alcan Way

Dear Courtney and Tim:

Thank you for your pre-application guidance and the thorough staff report. I trust the attached revisions will address your comments. Of course, if we inadvertently missed anything, please let us know.

After the initial neighborhood meeting, we worked jointly with the Montreal Woods representatives to craft a list of "proposed zoning conditions." It is attached. We and the neighbors respectfully request that it be added to the rezoning, should a favorable decision be made.

As discussed, we are proposing to rezone the 4 acre property at 1295-1365 Montreal Rd E and 3402 Alcan Way. The property's current use is three houses built between 1940 and 1960. The houses range in condition but are all outdated and in need of costly renovations. We are applying for rezoning from R-75 to RSM. If approved, we will remove the 3 existing houses and build 19 new homes.

When we first looked at this site, we thought townhomes would be an ideal transition from the single-family houses on the east to the more intense commercial uses on Montreal Road. However, the neighbors have expressed a desire for high-quality, reasonably priced, single-family housing. In response, that is exactly what we are proposing to build.

If approved, each 2-story, detached house will be approx. 38-40' wide and range from 42-55' deep, with 3-4 bedrooms and 2,200 to 2,600+ heated square feet. The community will be professionally managed and maintained by a mandatory Homeowners Association. In addition to the rezoning, we are requesting a few small variances that will enable us to accommodate the desires of the area residents.

We believe that our proposal is consistent with the Comprehensive Plan and the Suburban Character Area. Our new homes will provide more housing options, income diversity, and homeownership opportunities, while providing new patrons for the nearby commercial businesses. We look forward to working with the City and the surrounding community to create a high-quality community that will complement and strengthen the existing neighborhood.

Best regards,

A handwritten signature in blue ink that reads "Dan Cotter".

Dan Cotter
Zoning Director



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R2-17-003

September 25, 2017

Courtney Lankford
Deputy Director of Community Development
City of Tucker

Tim Lampkin
City Planner II
City of Tucker

**RE: Density Bonus Clarification
Montreal Road rezoning**

Dear Courtney and Tim:

In our pre-application meeting, we were advised that the density bonus provisions in the zoning code have not yet been utilized in Tucker, and we were asked to outline our experience with these provisions in DeKalb County, where they originated.

In DeKalb County, Minerva has obtained approval for three communities utilizing density bonuses since DeKalb adopted their new code. The approved bonuses on these communities range from 20% to 100% above the base density.

DeKalb adopted the density bonus provisions as a tool to encourage developers to either: A) make certain public improvements that go above and beyond the normal expectations for a private property owner, i.e. installation of off-site sidewalks; or B) to select sites that already have the additional infrastructure in place, i.e. next to a park. The code deliberately sets the base density below typical levels for each type of zoning district, with the hope that developers will provide additional community benefits to "earn" the extra density. As an integral part of the new zoning code, the approval process is fairly routine, as long as the proposal meets the code requirements.

At Montreal Road, we are seeking a 20% density bonus, due to the single family, lower density design. Higher density projects such as townhomes would typically request higher density bonuses, i.e. 80-100%.

Based on our development plans and our commitments to the neighborhood, our Montreal Road site would qualify for a 60% density bonus (proximity to the park, an offsite sidewalk extension to the north,

and grooming and under-brushing work in the park). Our rezoning request is only utilizing a 20% bonus versus the entire 60%, because we also committed to a maximum number of lots in our community discussions.

We look forward to working with the City and the area residents to create a great addition to the neighborhood that we can all be proud of. If you have any further questions, please let us know.

Best regards,

A handwritten signature in blue ink that reads "Dan Cotter". The signature is stylized, with the first name "Dan" written above the last name "Cotter".

Dan Cotter
Zoning Director

**MONTREAL ROAD REZONING
ANALYSIS OF ZONING STANDARDS**

The proposed rezoning meets the standards of *Section 27-7.3.5* as follows:

A. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan?

Yes it is. As recommended by the comprehensive plan, our new homes will provide more housing options, income diversity, and homeownership opportunities.

B. Will the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties?

Yes. At our original community meeting (at which we proposed townhomes), the surrounding neighbors instead expressed a very strong desire for high-quality, reasonably priced, single-family housing. Therefore, we modified our proposal to do exactly that. We then met with a representative group who outlined their additional more detailed concerns, all of which we addressed and incorporated in our plan.

Given the established commercial corridor on Montreal Road, the other likely use for the Montreal Road frontage is commercial.

C. Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?

It does not.

The site currently has three houses built between 1940 and 1960 – all are outdated and in need of costly renovations, which have not been done by the current owners because it does not make economic sense, since they front on the Montreal Road commercial corridor – and as a result, the renovations will not generate much additional value due to this limitation.

Under the current zoning, a single family lot layout would be extremely inefficient, requiring a significant quantity of new road construction per new lot created. This would not allow a proposed redevelopment to make economic sense.

D. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property or properties?

The rezoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby properties.

Our community outreach revealed that many neighbors within the abutting neighborhoods are considering renovations to their own properties, but many have hesitated because they believe the money invested will not produce a high enough value increase to justify the improvements.

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We heard numerous times that the introduction of homes in the mid to upper \$300's will be a very positive trend that will help rise the overall value perception of the community, thereby allowing many people to justify additional investments in their own homes.

E. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

Most points have been discussed above. Most importantly, we have met with the neighborhood representatives and incorporated their feedback into the attached site plan. In addition, we jointly created a proposed "list of zoning conditions" (see attached) which we and the neighbors respectfully request be added to the rezoning, should a favorable decision be made.

F. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological Resources?

It will not. There are no known or historically designated buildings, sites, or districts onsite or abutting the property.

G. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

It will not. We will reduce the curb cuts on Montreal Road from four to one, reducing the number of locations for pedestrian/vehicle interactions. Montreal Road is a commercial corridor serving thousands of cars per day, so the net increase of 16 homes on Montreal Road will be imperceptible in terms of traffic.

To improve pedestrian movement along the Montreal Road corridor, we will be installing a sidewalk along the site's frontage, PLUS we have also agreed to extend the sidewalk north along Montreal Road to the edge of Canadian Way, as noted on the proposed list of conditions.

At the end of the sale period, the proposed community will generate an additional \$110,000 to \$135,000 in property taxes, over and above the current use.

H. Does the zoning proposal adversely impact the environment or surrounding natural resources.

It will not. As noted on the proposed list of conditions, we have agreed to install an underground stormwater management facility with 110% detention capacity, which will lower the offsite storm water impact. We have also agreed to hire a third-party specialist to monitor the site's erosion control measures during the development and construction stages. We will also provide the adjacent property owners with 24/7 contact information during construction, so we can respond immediately if any concerns arise.

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CASE # VC-17-003-01

MONTREAL ROAD – CONCURRENT VARIANCE REQUEST

(Section 14-190 – Street Classification & Right-of-Way Width)

Request: Reduce the dimensional requirements for the private road from a 50' ROW to a 46' wide ROW, consisting of a 24' wide road (back-of-curb to back-of-curb), plus 11' on each side.

Responses to Variance Criteria per Section 14-64.a.

Criteria #1: By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Division 3 of Article III would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

The site is long and narrow with a sideways slope. Also, it abuts the rear of existing homes on 3 sides. The abutting neighbors on the low side (the north side) have requested that we pull the new houses farther away from the property line due to the elevated topo. A narrower ROW width allows us to accommodate this request, while still providing a road profile that meets all safety and fire requirements.

Criteria #2: By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;

In response to neighborhood feedback, we have agreed to build detached houses versus townhomes or commercial uses. To make the detached houses work on the site, the narrower road profile is required.

Criteria #3: The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;

The requested variance is the minimum necessary to afford relief. Meanwhile, the road will still meet the fire code, the zoning code, and all other applicable regulations. Furthermore, the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other property owners, since the RSM zoning district allows other uses such as townhomes which utilize an even narrower road profile (42' ROW).

Criteria #4: The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and

The 46' right-of-way width with a 24' wide street meets the fire code, the zoning code, and all other applicable codes. The trend in urban planning and traffic engineering is toward narrower roads, and many nearby municipalities have amended their codes to encourage residential roads narrower than what we have proposed.

Criteria #5: The requested variance will not in any manner vary the provisions of Chapter 27, the City of Tucker Comprehensive Plan or the zoning map of City of Tucker.

The variance will in no way require any revisions to the comprehensive plan or the zoning map.

VC-17-003-01

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CASE #

VC-17-003-02

MONTREAL ROAD – CONCURRENT VARIANCE REQUEST***(Section 27-5.7.5 N. – Garages)***

Request: Increase the allowed percentage of a street-facing garage from 45% to 50% of the façade, and increase the maximum garage projection to two feet beyond the front porch.

Responses to Variance Criteria per Section 27-7.5.3.

Criteria #1: By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The downward sloping topography requires step down grade changes between homes. To minimize these slopes, we plan to keep the houses to a maximum width of 40'. Since most two car garages are 20', the garage will be 50% of the front façade. The garage door is only 16' which is 40% of the front façade.

In addition, the code requires garages to be inset at least 2' behind the façade, which is easily accomplished on wider houses, where the garage is a separate wing tacked onto the side of the house. With 38 to 40' wide houses, the garage is an integral part of the building, so recessing it into the house reduces the number of viable floorplan layouts, limiting the marketability of the homes. We believe the intent of the code is to prevent large, protruding garages that visually dominate the street frontage. Our proposed plans meet this intent.

Criteria #2: The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The requested variance does not exceed the minimum necessary to afford relief. Many property types allowed in the RSM district (such as townhomes) permit garages that are at variance with these code requirements. This variance will enable us to build houses at a size and price point that will be suitable for this community and market area.

Criteria #3: The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

The variance will not be detrimental or injurious to the public welfare or the district. It will have the opposite effect, allowing us to build homes in the mid to upper \$300's which will be a very positive trend, supported by the community.

Criteria #4: The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

The proposed houses will be approximately 38-40' wide. A standard two car garage is 20' wide inside, but with a 16' wide garage door. We could shrink the internal garage sizes to 18' (still with a 16' door) and meet the code, but it would make the garages less functional for the new residents, and discourage the actual use of the garages – generating more street parking, which is not a desirable situation. Likewise, pushing the garages back behind the façade would reduce the number of viable floorplan layouts, limiting the marketability of the homes.

Criteria #5: The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

The requested variance would be consistent with the spirit and purpose of the code and the City's long-range plan. Our new homes will provide more housing options, income diversity, and homeownership opportunities, as recommended by the Comprehensive Plan.

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CASE #

VC-17-003-03

MONTREAL ROAD – CONCURRENT VARIANCE REQUEST

Section 27-5.7.5.J – Architectural Variability

Request: Allow the same façade to be repeated every 4 lots instead of every 8 lots.

Responses to Variance Criteria per Section 27-7.5.3.

Criteria #1: By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The site is unusual in that it abuts existing homes on 3 sides, with a long, narrow piece extending through the middle of the block. In addition, we have incorporated a wide variety of feedback from the neighbors into the attached site plan, and together we crafted a list of proposed conditions (see attached) which we and the neighbors respectfully request be added to the rezoning, should a favorable decision be made.

The strict application of the zoning code would impair our ability to develop this unusual site in a way that meets the needs and desires of the surrounding neighbors.

Criteria #2: The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The requested variance is the minimum necessary relief to enable us to build houses at a size and price point that will sell in this market, while accommodating the various desires of the neighbors (including but not limited to their desire for detached houses instead of townhomes, a maximum of 19 units, a max. height of 2 stories, and so on).

Criteria #3: The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

The variance will not be detrimental or injurious to the property or the district.

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Criteria #4: The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

We anticipate building 4 different floor plans, and each plan has 3-4 different front elevations, so the architecture will be mixed, and not repetitive. Also, homes will have varying colors, details, and brick combinations. While we believe our plans will meet the spirit and intent of the code, there is some ambiguity in the code - i.e. does it mean 8 in a row on one side, or 8 houses in two rows of 4? We are asking for the variance to ensure there is no uncertainty for the code enforcement officers during the construction phase.

Criteria #5: The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

The requested variance would be consistent with the spirit and purpose of the code and the City's long-range plan. Our new homes will provide more housing options, income diversity, and homeownership opportunities, as recommended by the Comprehensive Plan.

VC-17-003-03

RZ-17-003

CASE # _____

**MONTREAL ROAD REZONING
ENVIRONMENTAL SITE ANALYSIS**

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

See attached letter of application, site plan, and zoning standards analysis.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

- a. **Wetlands:** none
- b. **Floodplain:** none
- c. **Streams/stream buffers:** none
- d. **Slopes exceeding 25 percent over a 10-foot rise in elevation:** none
- e. **Vegetation:** See survey
- f. **Wildlife Species:** Not applicable
- g. **Archeological/Historical Sites:** none

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3. PROJECT IMPLEMENTATION MEASURES. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. **Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.** None onsite; not applicable.
- b. **Protection of water quality.** No water quality impact.
- c. **Minimization of negative impacts on existing infrastructure.** No infrastructure impact.
- d. **Minimization on archeological/historically significant areas.** None onsite; not applicable.
- e. **Minimization of negative impacts on environmentally stressed communities *where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.*** Not applicable.
- f. **Creation and preservation of green space and open space.** See attached site plan.
- g. **Protection of citizens from the negative impacts of noise and lighting.** Not applicable (single-family residential proposal).
- h. **Protection of parks and recreational green space.** No existing parks onsite; not applicable.
- i. **Minimization of impacts to wildlife habitats.** No sensitive habitat onsite; not applicable.