

SUPPLEMENTAL STAFF REPORT ON VARIANCE REQUEST

PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC



In addition to the Vehicular Use Area perimeter buffer area variance request submitted with the initial application, the applicant is seeking several other variances relating to the interior landscaping for the parking areas and property perimeter screening.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(a)(1) states that when an R-4 zone adjoins an R-2 zone, an eight foot buffer is required, consisting of one tree/40 feet of linear boundary, OFT, from Group A or B only, plus, 1) a double staggered row of six feet high hedge or 2) a six feet high fence, wall or earth mound.

Article 18-3(a)(2)(d) states that a vehicular use area perimeter buffer shall be located between vehicular use areas and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress location. A continuous hedge, fence, wall, or earthen mound, except where trees require breaks and one (1) canopy tree (Group A or B) per twenty-five (25) linear feet of the total perimeter of the parking area.

Article 18-3(b)(1) states the minimum interior landscape area shall be ten percent (10%) of the total vehicular use area.

Section 18-3(b)(4)(a) requires a maximum distance of ninety (90) feet between interior landscape areas.

CASE REVIEW

Within the supplemental letter of justification, the applicant identifies several other variances needed in order to construct the development as proposed. These additional variances include:

- A reduction in the width of the property perimeter buffer from eight feet to five feet where the property adjoins residential zones.
- A reduction in the minimum interior landscape area for a parking lot from 10% to 5%
- An increase in the maximum length between landscape islands from 90 feet to 125 feet

For the property perimeter buffer request, the applicant notes that the buffer is applicable to both the east and western portions of the property. The western portion of the property adjoins the parking lot of an adjoining multi-family residential use, and the eastern portion of the property adjoins two single-family residential homes. The applicant notes that there is sufficient room to provide the full buffer for all but thirty feet of the shared property line on the eastern side; however, the location of the new building limits the ability to provide the full eight feet width within the remaining portion. The applicant notes that they own the home at 465 Euclid Avenue that is primarily impacted by the request, and that there is still sufficient room to establish the screening and fencing called for in the Ordinance.

The remaining aspects of the variance request relate to the redevelopment of the parking lot area. The parking lot currently lacks any interior landscaping; however, redevelopment of the lot triggers the need to come into compliance with the applicable parking lot requirements. The applicant is seeking variances to reduce the amount of interior landscaping needed, as well as changes to the spacing between the landscape islands in order to retain the limited parking that is available on-site. The applicant notes that the parking area has reduced in size due to the development of the additional building, while the number of dwelling units has doubled. The applicant opines that providing the full landscaping requirements and additional parking islands would further reduce the on-site parking available and could cause issues with parking off-site. The applicant notes that while they cannot meet the full landscape area, the proposal will incorporate more plantings than are currently in-place.

Staff is generally supportive of both the original variance, as well as the items added during the supplemental request. The properties are located within the defined Infill and Redevelopment Area, which affords the property additional consideration with respect to variances that encourage redevelopment. The request reduces the size of the nonconforming parking lot, introduces additional landscaping, and provides adequate buffers between the adjoining uses. Requiring the applicant to comply with these Ordinance requirements would unreasonably restrict the applicant's ability to use the site to provide additional dwelling units.

STAFF RECOMMENDS: [APPROVAL OF THE REQUESTED VARIANCES](#)



1. Approval of the variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This area has historically featured parking, and the overall size of the parking area is being reduced with this request.
2. The lot shape and the location of the site's existing parking area represent special circumstances unique to the subject property that justify the need for a variance.
3. Removing the existing parking present on the site to accommodate the required landscaping and buffers would unreasonably restrict the applicant's use of the property to provide additional housing.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission related to the requested variances shall be noted on the Development Plan for the subject property.