

BOARD OF ZONING APPEALS**STAFF REPORT****TUESDAY, NOVEMBER 28, 2023**

CASE NO: BZA 23-0009
PROJECT NAME: GLENDEAN TOWNHOME PROJECT VARIANCE
PROJECT ADDRESS: UNADDRESSED GLENDEAN PARCEL
PARCEL ID: I39 00110 0007
APPLICANT/PROPERTY INFO: GLENDEAN TOWNHOMES LLC, 8534 YANKEE STREET, DAYTON, OH 45458
OWNER/PROPERTY INFO: SAME AS APPLICANT
ZONING DISTRICT: R-4 MULTI-FAMILY RESIDENTIAL DISTRICT
CURRENT USE: VACANT LAND

REQUEST:

Variances from UDO Section 1107.05(E)(1) and Table 1113.07-1 allow a reduction front yard setback and landscape buffer in the rear and side yards.

	LOCATION	REQUIREMENT	REQUEST	VARIANCE %
1	FRONT YARD	50 FT. FRONT YARD SETBACK	25 FT. ENCROACHMENT	50% REDUCTION
2	REAR YARD	25 FT. LANDSCAPE BUFFERYARD	25 FT. ELIMINATION	100 % REDUCTION

CASE SUMMARY/BACKGROUND:

The subject site is a 10.4 acre parcel located between Clarewood and Glendean Avenues. This site is within the Source Water Protection Area (Water Resource Area). The current proposal would permit up to 104 units. The proposed development includes a collection of attached townhouse buildings. The layout of the townhouse units is not the same as the typical multi-family complex. The applicant is requesting a variance to reduce the front yard setback long Glendean Avenue and an additional variance to reduce the landscape bufferyard along the rear of the development.

INTERESTED PARTY COMMENTS:

Staff has received a number of calls from adjacent property owners. Most of the comments expressed opposition to the project.

STAFF REVIEW/FINDINGS:

Variance 1. Staff finds that the requested variance to allow a reduction in the required *front yard setback* is adequately justified and meets the standards for approval. Staff recommends **approval** of the requested variance.

- The applicant has requested the minimum variance necessary for relief from their predicament.
- The spirit and intent behind the zoning code would be observed.

Variance 2. Staff finds that the requested variance to allow a reduction in the *required landscape bufferyard* is adequately justified and meets the standards for approval. Staff recommends **approval** of the requested variance.

- The requested variance will not alter the essential character of the neighborhood.
- The spirit and intent behind the zoning code would be observed.

The question before the Board of Zoning Appeals is:

- **Does the proposal meet the standards for granting the request variance established in Section 1105.15?**

In order to answer this question, the Board of Zoning Appeals should consider:

- the conditions upon which an application for the variance(s) is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises, differentiating it from other lots in the same district,
- variance(s) would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the variance(s).
- information in the staff report (standards for approval, attachments, etc.) for each requested variance, and
- testimony and/or evidence provided at the public hearing which directly relates to the variance request.
- provided at the public hearing which directly relates to the variance request(s).

ATTACHMENTS:

- Zoning Map
- Aerial Map
- Site Plan
- Justification Statement Page
- Supplemental Information

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A VARIANCE 1 FROM SECTION 1115.09(G):

The following factors shall be considered by the BZA in determining whether practical difficulty exists sufficient to warrant a variance to reduced front yard setback; 1107.05(E)(1)

1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

Yes, there could still be a beneficial use of the property without the variance.

2. Whether the variance is substantial;

Yes, the applicant is requesting a 50% reduction in front yard setback. This is not a substantial variance.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

No, the essential character of the neighborhood would not be altered nor would adjoining properties be harmed by the variance request. There is a nearby apartment complex with a similar setback.

4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);

No, the delivery of governmental services will not be impacted.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

Yes, the property owner purchased the property with knowledge of the R-4 zoning restrictions.

6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

No, there will be less developable land for this project without the variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes, the spirit and intent behind the zoning code will be observed. The applicant is providing a setback that is not out of character with other multi-family developments in the area. They will also be required to adhere to the landscaping requirements which will screen the rear of the townhomes structures from the road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2 FROM SECTION 1115.01.C:

The following factors shall be considered by the BZA in determining whether practical difficulty exists sufficient to warrant a variance to reduce the landscape buffer yard; Table 1113.07-1.

1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

Yes, there could still be a beneficial use of the property without the variance.

2. Whether the variance is substantial;

Yes, the applicant is requesting a 100% reduction in the rear landscape bufferyard. This is a substantial variance.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

No, the essential character of the neighborhood would not be altered nor would adjoining properties be harmed by the variance request. The applicant will provide the required screening in the side yard which will screen the adjacent single-family homes.

4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);

No, the delivery of governmental services will not be impacted.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

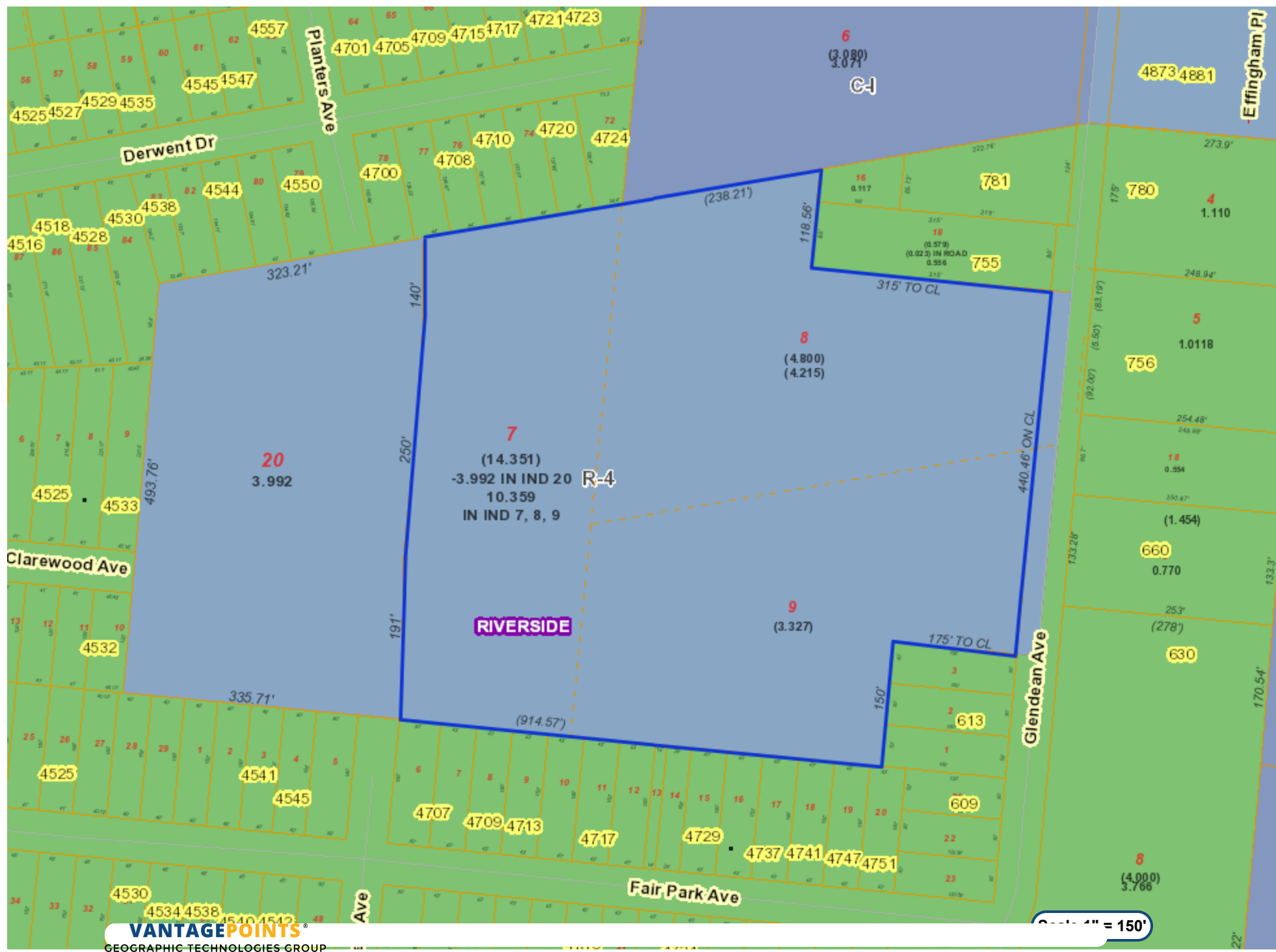
Yes, the property owner purchased the property with knowledge of the R-4 zoning restrictions.

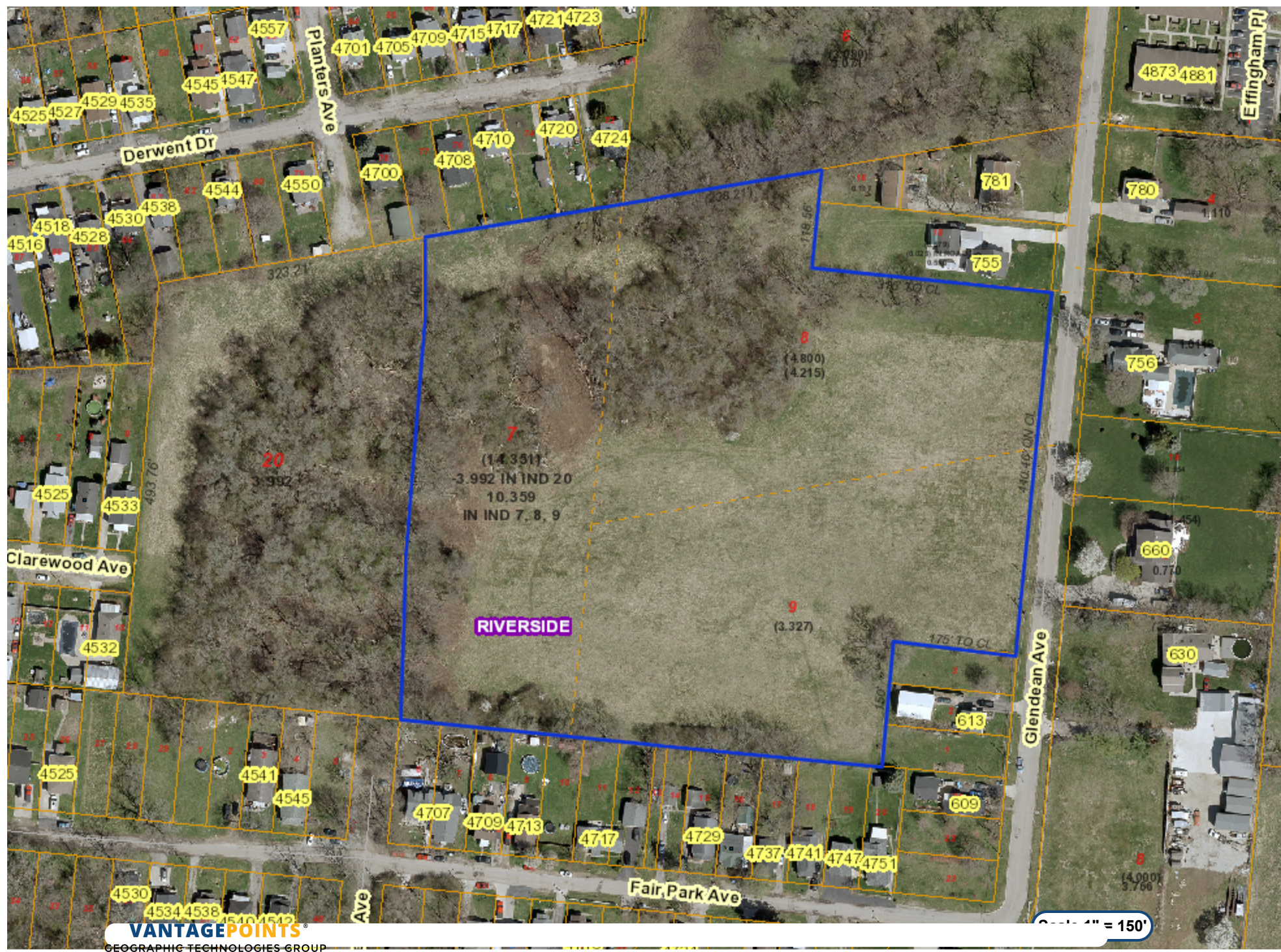
6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

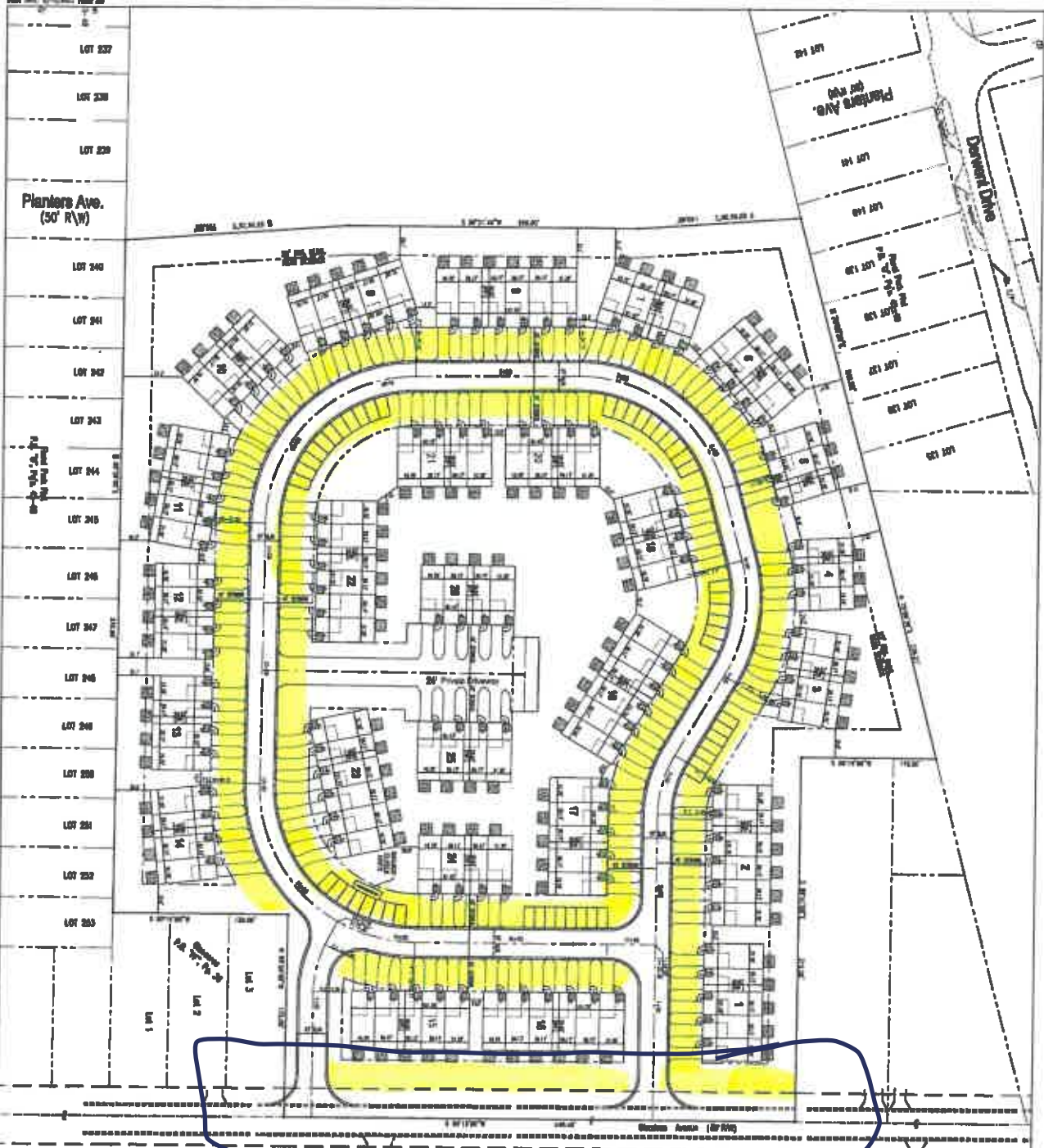
No, there will be less developable land for this project without the variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes, the spirit and intent behind the zoning requirement would be observed should the variance be granted. The parcel to the rear of the subject is unlikely to be developed due to unstable soils. This will leave a significant green space in this area.







APPROVED FOR THE CITY OF GLENDALE
 GLENDALE A.C., 1001 S. GLENDALE BL.
 GLENDALE, CA 91201

DATE: 04/15/2023
 BY: [Signature]
 TITLE: [Title]
 PROJECT: 2 of 14

SITE PLAN
GLENDEAN TOWNHOMES

APPROVED BY: [Signature]
 DATE: 04/15/2023
 PROJECT: 2 of 14

SUBMITTAL/REVISION RECORD			
NO.	DATE	DESCRIPTION	BY
1	04/15/2023	INITIAL DESIGN	[Signature]
2	04/15/2023	REVISIONS	[Signature]
3	04/15/2023	REVISIONS	[Signature]
4	04/15/2023	REVISIONS	[Signature]
5	04/15/2023	REVISIONS	[Signature]
6	04/15/2023	REVISIONS	[Signature]
7	04/15/2023	REVISIONS	[Signature]
8	04/15/2023	REVISIONS	[Signature]
9	04/15/2023	REVISIONS	[Signature]
10	04/15/2023	REVISIONS	[Signature]

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 GLENDALE, CA 91201
 www.reinkegroup.com



Variance Justification:**Front Yard Setback**

In order to justify approval of any variance staff and/or the Board of Zoning Appeals considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

- 1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance.**

The project would not have adequate density without the variance and would not yield a reasonable return.

- 2. Whether the variance is substantial.**

The variance is substantial.

- 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

Since the units in question face the internal streets, the reduced front yard setback would not impact Glendean or, as a result, the nearby properties.

- 4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage).**

The variance would not adversely affect government services.

- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.**

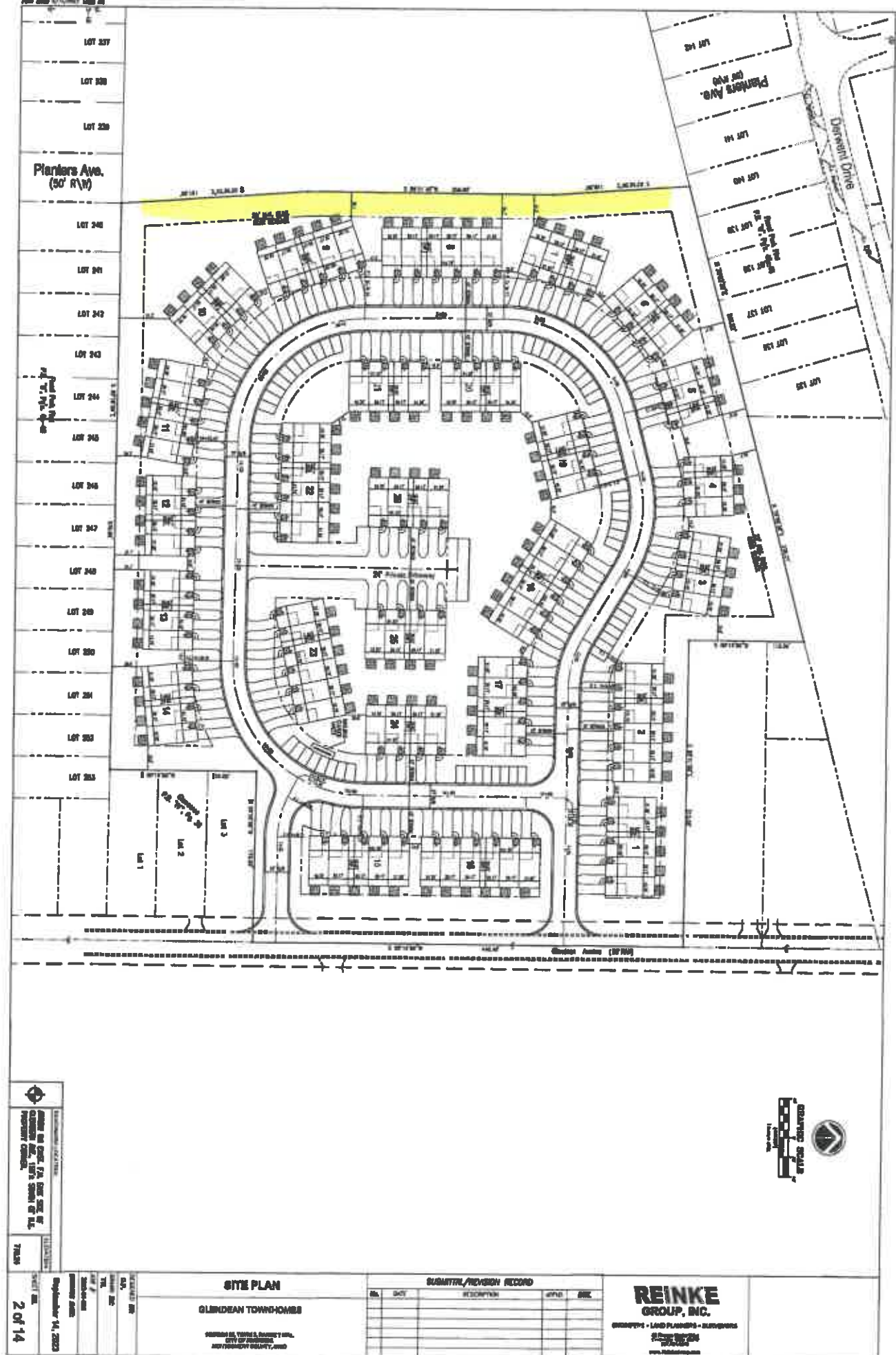
The owner was aware of the restriction and notified staff that without a variance the project would not work.

- 6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance.**

Variance is the only option.

- 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

The spirit and intent of the zoning requirement will not be affected.



Variance Justification: Landscape Buffer

In order to justify approval of any variance staff and/or the Board of Zoning Appeals considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

- 1. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance.**

The property can yield a reasonable return without the variance.

- 2. Whether the variance is substantial.**

The variance is not substantial because the area in question is already buffered from adjacent properties.

- 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

No, because the lot to the west is wooded and unlikely to be developed, an additional strip of landscape buffering is unnecessary and redundant.

- 4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage).**

The variance will not affect government services.

- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.**

The property owners were aware of the restrictions but discussed the need for a variance with staff

- 6. Whether the property owners' predicament feasibly can be obviated through some method other than a variance.**

Variance would be the only option.

- 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

The spirit and intent of the zoning requirement will be observed due to the property characteristics of the parcel adjacent to the variance.



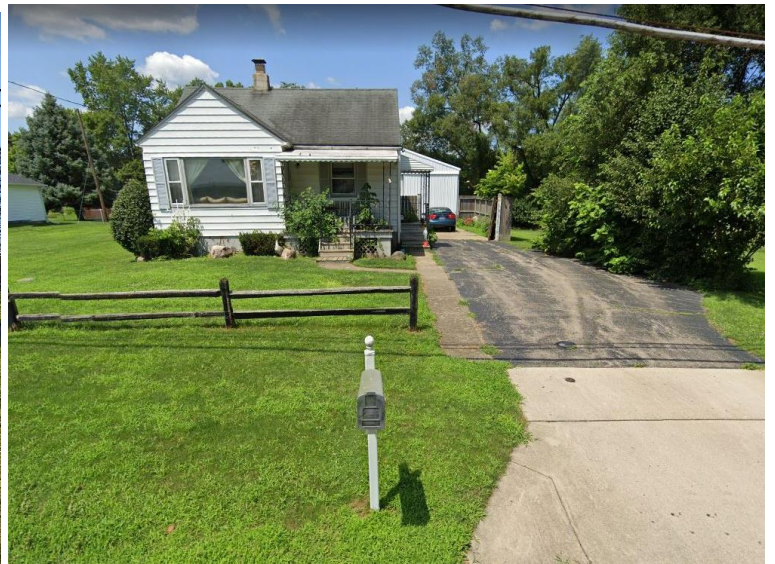
Front of Subject Site



Adjacent Property to the North



Adjacent Property Across Glendean Ave



Adjacent Property to the South



Variance 1: Front Yard Setback (View 1)



Variance 1: Front Setback (View 2)



Variance 2: Landscape Bufferyard (View 1)



Variance 2: Landscape Bufferyard (View 2)



Nearby Apartment Complex Setback on Glendean