

DISCUSSION

2024-0205

Discussion regarding ordinance requirements for small lot single family residential construction

(McLeod memorandum dated 4/10/24 had been placed on file and by reference became a part of the record hereof).

Mr. McLeod displayed a photo, noting that the house represented in the photo started a conversation regarding reduced lot sizes. He explained that the property was narrow and was even further complicated by being a corner 40-foot lot. He mentioned that the Zoning Ordinance allows for a reduction in side yard setbacks for those lots that are less than 60 feet, and he noted that the Ordinance allows adjustments to side yard setbacks to allow some reconfiguration of where the house gets placed on the lot. He stated that the Ordinance does not account for the occurrence of two of these lots side-by-side, and noted that someone in theory could put two houses within 10 feet of one another and staff would not have much to say about it. He mentioned that this may not be as much of a concern with a ranch-style home; however, it could be a concern for the placement of two story homes or homes that are at the maximum height provision, which is often a preference in terms of today's housing style designs.

He explained that a provision was suggested to be added to the Ordinance that if they are going to allow minimizing the side yard, that there must be an abutting 10-foot side yard on the adjacent property. He noted that this will still maintain the 15-foot separation, which is the ultimate design of the Ordinance. He added that it was also decided to discuss with the Commission limiting the height of structures on these lots at 24 feet versus the normal height of 30 feet, requiring a different configuration of the roof structure.

He stated that both of these provisions ensure that the building massing is kept in check, so that a smaller older ranch-style home is not impacted by a new modern construction that will create more mass. He added that there are not a great number of these lots within the city, but there are enough that should require attention. He mentioned that the Building Department, in conjunction with Assessing, is proactively trying to seek owners out where there are two 40-foot lots side-by-side that are technically separate lots but under common ownership, encouraging the owners into doing an official combination so that the lots cannot be broken apart. He noted that this would further reduce the potential of having a conflict of people trying to build bigger houses on the smaller lots, and minimize the number of times that this Ordinance may get tripped.

He stated that the idea is not to totally restrict the ability for someone to have creative ability on a lot to construct a home in terms of size and fee within ordinance requirements, but ensure that it will not improperly relate to surrounding properties.

Mr. Hooper stated that his home is in R-4 with lot averaging, and he knows that

his side yard is seven feet, and his neighbor's yard may be seven feet as well.

Chairperson Brnabic questioned whether this would be for new structures.

Mr. McLeod responded that there might want to be a qualifier put into the language for specialty subs where lot averaging or open space was utilized, that if it was approved under a separate scheme, that separate scheme would dictate; but this would apply to the general public.

Mr. Hooper stated that his neighbor is in a colonial that is easily more than 24 feet in height.

Mr. McLeod responded that the same qualifier would apply if it were under a different provision or approval mechanism. He explained that most of these lots are in old plats like supervisors or assessor's plats. He stated that most of those houses are the post-World War II ranches that are maybe 14 or 15 feet tall. He commented that the idea is to allow for a two-story structure, keeping in mind that the 24-foot is a mid-span calculation, and the ultimate height of those structures would probably be 28, 29 or even 30 feet in terms of true peak, albeit not as tall as if someone was able to utilize the full 30 feet that the Ordinance currently allows.

Mr. Hooper stated that he just wanted to ensure it is not a solution in search of a problem.

Chairperson Brnabic stated that the house in question was 25 feet wide by 100 feet long and did have a third-story appearance. She added that she thinks that the setbacks will help too because two five-foot setbacks cannot be next to each other at this point as it is a safety issue. She asked if there was any more information on the lot coverage question.

Mr. McLeod noted that in reviewing this particular lot in question, it was just under 29 percent coverage based on Building Department records, which still met the lot coverage requirements. He stated that in proposing modifications that would deter another lot going adjacent to this, they did not feel that it was necessary to go further in restricting lot coverage. He stated that to Mr. Hooper's point, he did not think that the pendulum should be swayed too far. He commented that ultimately the idea is to tweak the ordinance where they feel comfortable, and in discussing it with the Building Department, they feel comfortable with these tweaks shown tonight, and did not necessarily feel comfortable going further. He stated that at this point Staff seems generally comfortable with where this is at with the ordinance amendments.

Chairperson Brnabic asked if a motion was warranted to approve the two changes.

Mr. McLeod responded that he did not feel the need for a motion at this point. He noted that another provision that they want to put forward is in reference to what is currently permitted in the Neighborhood Business District and the Community Business District, where it is allowed for those two districts to have a reduction in rear yards when adjacent to a similar type of district. He

explained that unfortunately this reduction was omitted in the Highway Business District, not by design but in error; and they want to bring that reduction back in for the Highway Business District. He noted that a proposal has come before staff that the Commission will see hopefully in the near future where one of the gas stations has effectively been zoned-out of the ability to retrofit their site that they want to make improvements to. He explained that if this provision is added it would give all of the business districts similar reduction capabilities, and would allow some opportunity to reinvest in their site as well. He mentioned that these changes are still drafts at this point; and if they get the general head-nod of the Commissioners, they can move forward.

Chairperson Brnabic stated that 10 feet is not a lot, and she would have some further questions regarding this. She mentioned that there have been multiple gas stations coming to the ZBA requesting a variance because they cannot meet current ordinance standards, and they were granted because they were making a concerted effort to update the station and there was no way they could meet today's standards. She asked if there were any other examples of setbacks in regard to something like this.

Mr. McLeod responded that Neighborhood Business and Community Business already have this provision, and Highway Business is a pretty limited area. He noted that this provision gets utilized quite a bit in the NB and CB districts, when the districts are adjacent to each other. He pointed out that when they are against residential or multiple family it is a whole different story. He noted that when reviewing the business districts, it is surprising how some of these parcels are chopped up and buildings are very close to property lines; and the sites function fine. He stated that it is ultimately Planning Commission approval and would not be carte blanche authority. He stressed that it is suggested to be added for the HB district and is a pretty limited application.

Ms. Roediger noted that it happens to affect gas stations as they tend to be corner lots. She mentioned that she can think of an instance where a gas station is next to a bank, and having a 50-foot setback off of the property is not a well-utilized space. She noted that it would make a lot of sites not developable if they had to meet that 50-foot rear setback, and would be a hardship to have a small corner property. She stressed that they are looking to make it consistent with the other two business districts that already have it, and stated that it wasn't intended to be left out of the Ordinance. She stated that it was a footnote that was left off that has had a big impact.

Mr. Dettloff noted that lot combination was referenced and asked who was combining them.

Mr. McLeod noted that the discussion was back to the residential lots, and stated that Assessing and Building were proactively seeking out those in common ownership of 40-foot lots that are technically separate, and asking the owners if they would willingly combine those lots. He stated that he would anticipate that as long as the agenda will allow, these changes will be brought to Public Hearing next month.

Discussed