

ZONING BOARD OF ADJUSTMENT

LAKEMONT APARTMENTS 1751 N. WILSON AVENUE

EMILY TARANTINI
CURRENT PLANNING



VARIANCE REQUEST

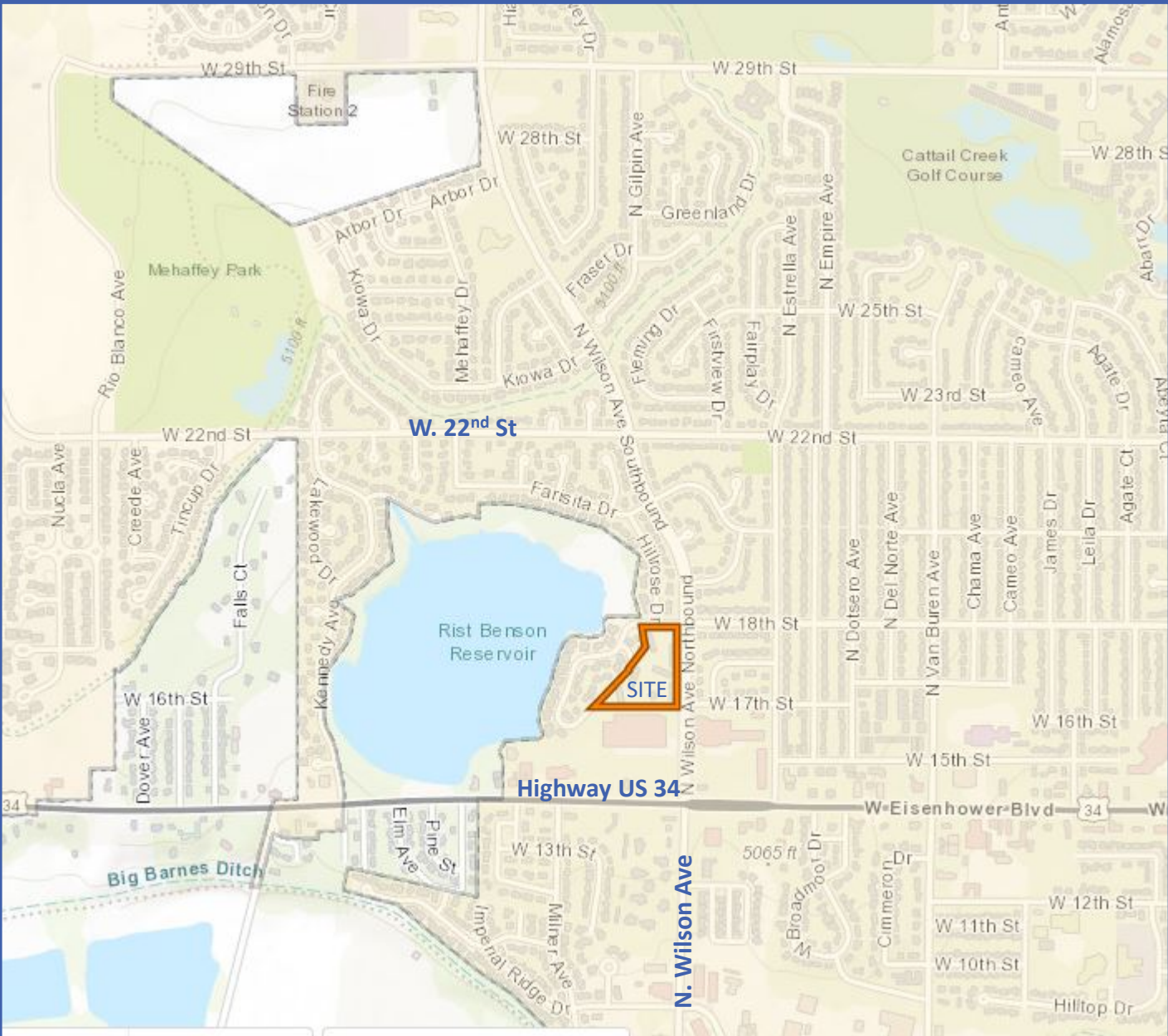
The applicant is requesting to build 36 new units, which is 27 additional units beyond the density allowance.

Maximum Density in R3	Requested Density
17 du/ac	22.78 du/ac

Vicinity Map

LOCATION

LAKEMONT APARTMENTS
1751 N. WILSON AVE



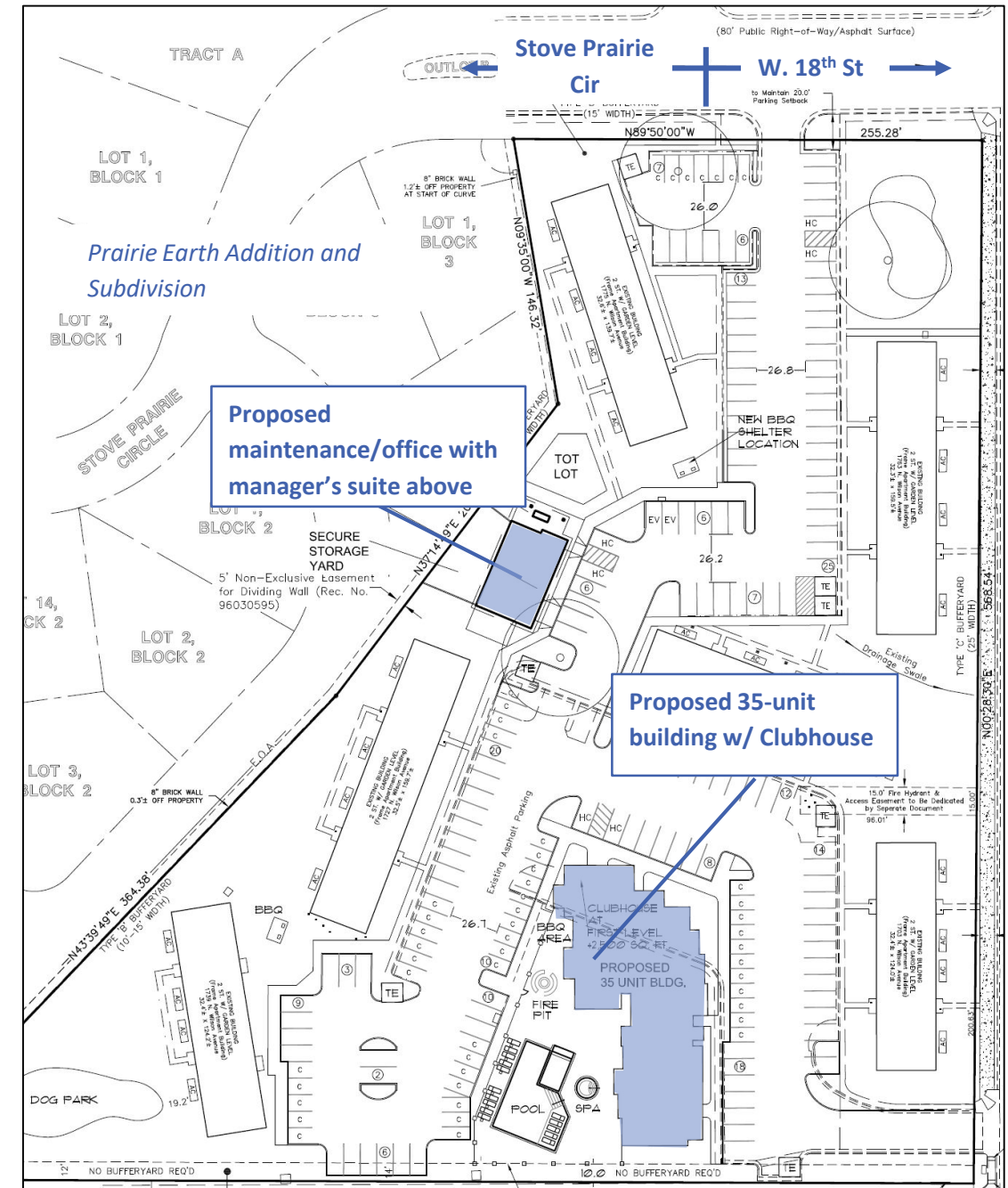
LAKEMONT APARTMENTS



VARIANCE OVERVIEW

What is being proposed on the site?

The applicant is requesting to build 36 new units contained within one new 35-unit building and one new maintenance building with manager's suite above. The requested density would increase to 22.78 units per acre. Although this request results in an additional 36 units from what currently exists on the site, this request is for an additional 27 units from the code allowance in the R3 zoning district.



PROPOSED SITE PLAN

VARIANCE OVERVIEW

What is being proposed on the site?

<i>Lakemont Apartments</i>	Maximum Gross Density	Number of Dwelling units on 4.74 acres
What actually exists on the site	15.18 du/ac	72 units
What the code allows in R3	17 du/ac	81 units
What the applicant is proposing	22.78 du/ac	108 units

Applicant's Hardship

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ADA Compliance

Property owner is at risk of possible legal action (lawsuits, fines or penalties) by not having accessible units.

Lower Rental Rates

Building more units will allow the property owner to maintain lower rental rates for its residents.

Expenses related to retrofit

Retrofitting the existing units to meet ADA guidelines is not practical due to the structural layout of the apartments as they need to be accessed with stairs or steps .

Project Attributes

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Accessibility

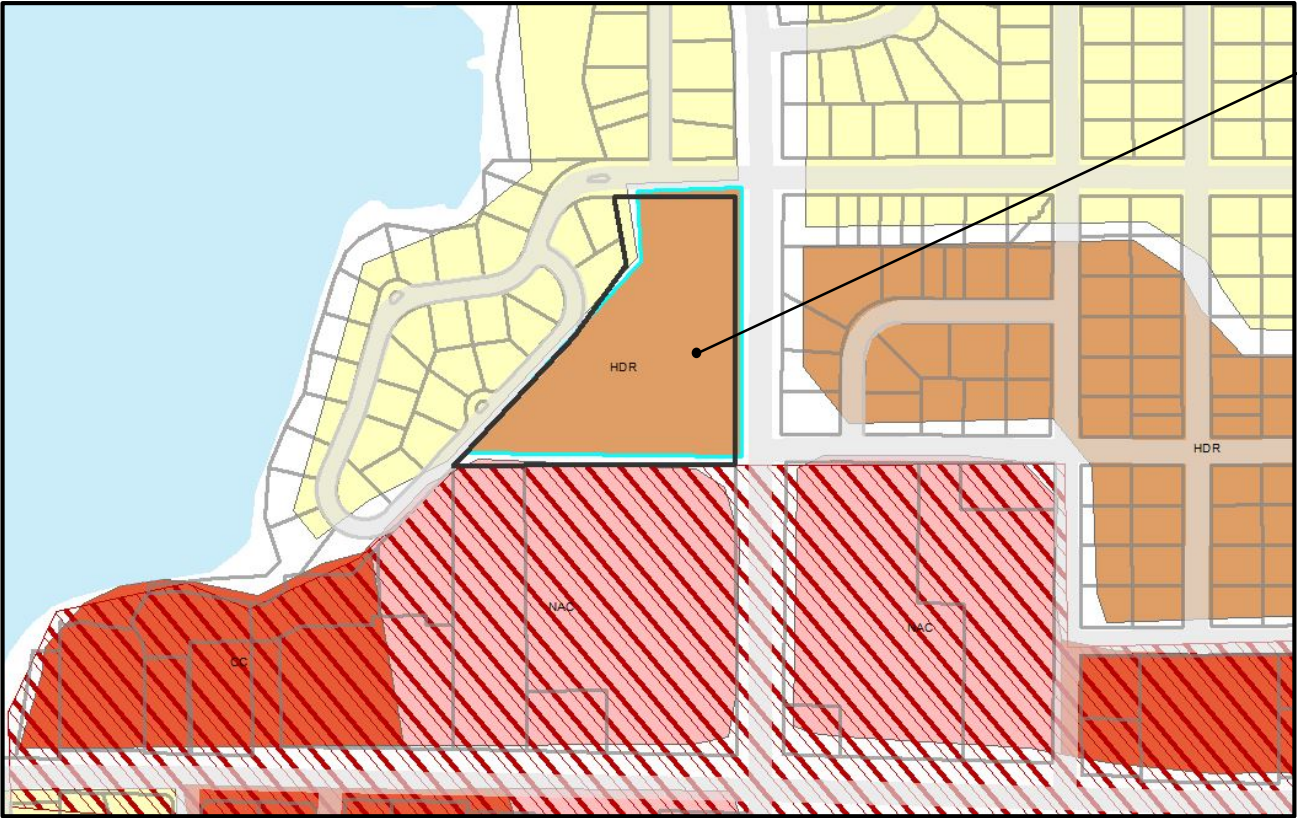
The accessibility attribute of the proposed project can be seen as a positive change to the project.

Preserving attainable rental rates

The intent of the variance is fueled by the mission to preserve the lower rental rates for existing residents, a positive attribute of this project.

Project Attributes

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HDR - High
Density
Residential

Location

The City’s Comprehensive Plan designates this area as High Density Residential (HDR), setting density caps between 20-24 units per acre, providing an argument that supports the requested density increase.

Code Changes

The previous zoning code (prior to UDC adoption) permitted approximately 102 dwelling units on this lot by-right based on acreage and R3 zoning density standards existing at the time.



Public Outreach

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- Questions regarding City process
- Questions regarding what the proposal involved
- Request for the developer to involve the adjacent HOA in building and site review.
- Concerns with noise, setback and visual impacts.



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— Staff Conclusions

RECOMMENDED ACTION – DENY THE VARIANCE

The applicant demonstrates that there are unusual and exceptional circumstances creating an undue hardship, applicable only to the property involved, which do not generally apply to the other land areas within the same zone.

Staff does not believe that the applicant's finding of hardship can be supported based on ADA compliance as it does not achieve the code definition of a hardship in that it is not unique to this property.

Staff believes the project has positive attributes, the requested density increase meets the qualifications for the Comprehensive Plan and that it is appropriate for this location. The Comprehensive Plan designates the area as High Density Residential (HDR), yielding approximate 20 units per acre and in some instances 24 units per acre.



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Alternative Action

ALTERNATIVE ACTION-APPROVAL BASED ON APPLICANT'S FINDINGS

Should the Hearing Officer determine that the applicant's findings can be met (as shown in the Alternative Action), the following conditions of approval are recommended by Staff:

- New building footprints shall remain in the same location as depicted on the proposed site plan.
- Should the proposed buildings exceed 26' in height, the Site Development Plan will be reviewed through an Adaptable use.