



Application Number: 2014-1998

Plat Name: Hanover River Oaks

Applicant: Brown & Gay Engineers, Inc.

Date Submitted: 08/11/2014

(Sec. 42-47 and Sec. 42-81)

Specific Variance is being sought and extent of variance:

To allow a reduced building line of 10' along Kirby Drive and a reduced building line of 5' along Kipling Street.

Chapter 42 Section: 42-150

Chapter 42 Reference:

Sec. 42-150. Building line requirement.

Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The ±1.65 acre site currently has five large oak trees with diameters varying from twenty-six inches to thirty-five inches along the south boundary being Steel Street. The proposed development desires to preserve the five large oak trees and by shifting the proposed development north and reducing the building line along Kipling Street to five feet. The proposed building would be approximately 41-feet from the back of curb along Steel Street and approximately 19-feet from the back of curb along Kipling Street. The existing paving section is approximately thirty-five feet along Kipling Street and approximately thirty-three and a half feet along Steel Street. The proposed shift north will allow for the proposed building to be located outside of the drip line of the five oak trees. The reduced building line along Kirby Drive will allow for vehicular traffic visiting the site to be moved away from Kirby Drive and create a friendlier pedestrian realm. The developer proposes to improve the pedestrian realm along Kirby Drive and Kipling Street with six-foot sidewalks and three-inch caliper oak trees. In addition, coordination with Upper Kirby has occurred and a letter of support has been provided.

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The developer is proposing to preserve the five large oaks trees along Steel Street reducing the buildable area between Kipling Street and Steel Street to 196-feet from 216-feet. The proposed development along Kirby Drive is in conjunction with the Upper Kirby District to provide a pedestrian friendly environment.

(3) The intent and general purposes of this chapter will be preserved and maintained;

The proposed buildings provide ample space from the building to the back of curb along Kipling Street and Kirby Street. The proposed development will provide an enhanced pedestrian realm along the adjoining streets.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of the variance will not be injurious to the public health, safety or welfare as the proposed building along Kipling Street will be approximately 19-feet from the back of curb and the building along Kirby Drive will be approximately 22-feet from the back of curb.

(5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the justification of the variance. Preservation of the five large oaks trees and the improved pedestrian realms along Kirby Drive, Kipling Street and Steel Street will only increase the cost of the proposed development.