

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 7, 2016**

**SUMMARY**

A request by Habitat for Humanity (owner) for a variance from Section 25-48 of the Subdivision Regulations pertaining to the requirement to install sidewalks on property platted prior to 2001. The subject site is located on the south side of Jamesdale Road, approximately 500 feet east of Brown Station Road, and is addressed 3406 Jamesdale Road. **(Case #16-149)**

**DISCUSSION**

The applicant is requesting a variance from the requirement to construct a sidewalk along the property's approximately 80-foot Jamesdale Road frontage. Section 25-48 of the Subdivision Regulations requires sidewalks on all property platted before 2001. The issuance of a Certificate of Occupancy for newly built structures is restricted until such required sidewalk is installed.

The following criteria are used to evaluate whether to grant a variance from 25-48 based on Section 25-20(a) (Variances and exceptions - General criteria), and Council Policy Resolution 48-06A (Specific criteria pertaining to streets without curb & gutters).

**General Variance Criteria (Section 25-20)**

The Subdivision Regulations provide criteria by which all variances and exceptions should be evaluated. Specifically, Section 25-20 allows for variances from undue hardships or practical difficulties that might result from strict compliance with these Regulations, subject to the following conditions being met (variance criteria in **bold**; staff analysis in *italics*):

**1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

*There is no sidewalk network in place on abutting developed properties to the east or west. Jamesdale Road is a dead-end local residential street which experiences low traffic volumes, making the lack of a sidewalk along the site's frontage minimally detrimental to public safety, health or welfare.*

**2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.**

*There are unique topographical conditions associated with the subject site, which are associated with the location of an open drainage ditch along this unimproved section of Jamesdale Road, and compounded by the location of a mature oak tree. Traditional placement of sidewalk along the street may not be possible unless the tree is removed and a retaining wall is installed.*

**3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out.**

*See #2, above.*

**4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the city.**

*Columbia Imagined includes goals to “[i]dentify service gaps and support zoning and development decisions to provide walkable local commercial service and employment nodes” (p. 144), and to promote “interconnectivity between neighborhoods, commercial districts, and employment centers using non-motorized transportation networks” (p. 148).*

*Staff does not believe that granting isolated sidewalk variances in situations where practical difficulties exist have the effect of abrogating the plan’s provisions.*

**Specific Variance Criteria (PR 48-06A)**

Council Policy Resolution 48-06A uses the following factors to provide additional guidance in weighing the cost versus benefit of sidewalk construction:

**1. The cost of constructing the sidewalk relative to the cost of the proposed development;**

*The applicant estimates the cost of the sidewalk to be \$5,000, which is approximately 5.8% of the total development cost (lot and house construction) of \$85,000.*

**2. Whether the terrain is such that sidewalks or walkways are physically feasible;**

*See response to #2, under General Variance Criteria (above).*

**3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;**

*Jamesdale Road is a local residential cul-de-sac street with 30 R-2 (Two-Family Dwelling District) zoned lots, of which approximately two thirds have been developed. The eastern third of the street, including the cul-de-sac, has been built with curb & gutter and sidewalks. The western two thirds of the lots front on an older portion of the street that remains unimproved and without sidewalks.*

**4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.**

*A sidewalk on the subject site would not improve access to Brown Station Park, which is located at the eastern terminus of Maryjane Drive, to the north. The most direct access to this park is through a 30-foot wide pedestrian easement between Lots 34A and 35A of Bodardville Subdivision Block 2, approximately 500 feet east of the subject site.*

*A sidewalk is in place along Brown Station Road (a major collector street) to provide interconnectivity between nearby residential streets and commercial districts to the south.*

**Conclusion**

Staff supports the requested sidewalk variance due to practical difficulties resulting from landscape and drainage features. Staff further recognizes that sidewalk is unlikely to be built on either side of the subject site since adjacent properties are already developed. The lack of sidewalk along this street does not present a significant safety concern since Jamesdale is a low traffic dead-end residential street.

**RECOMMENDATION**

Approval of a sidewalk variance from Section 25-48

**SUPPORTING DOCUMENTS**

- Locator maps
- Sidewalk Variance Worksheet

**SITE CHARACTERISTICS**

|                               |   |
|-------------------------------|---|
| <b>Area (acres)</b>           | 0.22 acre                                   |
| <b>Topography</b>             | Slopes downward from southeast to northwest |
| <b>Vegetation/Landscaping</b> | Turf and a few mature trees                 |
| <b>Watershed/Drainage</b>     | Bear Creek                                  |
| <b>Existing structures</b>    | Single-family home (under construction)     |

**HISTORY**

|  |                                 |
|--|---------------------------------|
| <b>Annexation date</b>                       | 1969                            |
| <b>Zoning District</b>                       | R-2                             |
| <b>Land Use Plan designation</b>             | Neighborhood District           |
| <b>Previous Subdivision/Legal Lot Status</b> | Lot 11, Bodardville Subdivision |

**ACCESS**

| <b>Jamesdale Road</b>     |  |
|---------------------------|--|
| <b>Location</b>           | North side of site   |
| <b>Major Roadway Plan</b> | Local Residential (Unimproved & City-maintained). 50-ft ROW in place |
| <b>CIP projects</b>       | None   |
| <b>Sidewalk</b>           | Sidewalks required   |

Report prepared by Steve MacIntyre

Approved by Patrick Zenner