

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
December 8, 2016**

**SUMMARY**

A request by Como Urban Housing, LLC (owner) for a variance from the requirement of Section 25-48 (Subdivision Regulations) to install a sidewalk along the frontage of an R-2 (Two-Family Dwelling District) zoned lot along an improved street. The subject site is located on the east side of Sanford Avenue, approximately 600 feet north of Ash Street, and is addressed 310 Sanford Avenue. **(Case #17-13)**

**DISCUSSION**

The applicant is requesting a variance from the requirement to construct a sidewalk along the property's approximately 74-foot Sanford Avenue frontage. Section 25-48 of the Subdivision Regulations requires sidewalks to be built along the street frontages of all lots platted before 2001. The issuance of a Certificate of Occupancy for newly built structures is restricted until such required sidewalks are 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). Staff's analysis considers criteria outlined in Council Policy Resolution 48-06A, which pertain to streets without curb & gutters, as useful guidance in reaching a recommendation in this case, despite the fact that Sanford Avenue is an improved street (i.e., has curbs and 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 north or south. Sanford Avenue is a local residential street which experiences relatively 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 front yard being elevated approximately three feet above the adjacent street grade, and compounded by the location of a mature oak tree within ten feet of the back of curb. 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 \$4,500, which is approximately 4% of the development cost (house construction) of \$106,000.*

**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;**

*Sanford Avenue is a local residential street with 40 R-2 (Two-Family Dwelling District) zoned lots, all of which have been developed with single-family homes. Aside from the recent installation of sidewalk along the side yard of 413 W Ash Street, no other sidewalks exist on Sanford Avenue.*

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

*Worley Street Park is located approximately 830 feet north of the site. Construction of an isolated sidewalk segment on the subject site would not substantially benefit pedestrian access to this park.*

*A sidewalk is in place along the south side of Worley Street and north side of Ash Street (major collector streets) to provide interconnectivity between Sanford Avenue and other local residential streets, schools, and commercial centers to the east and west.*

**Conclusion**

Staff supports the requested sidewalk variance due to practical difficulties resulting from topographical and landscape features. Staff further recognizes that sidewalk on the east side of Sanford Avenue faces additional challenges resulting from narrow (40-ft) right-of-way and several existing homes being situated within 10-15 feet of the street.

While sidewalks are a top transportation infrastructure priority in this neighborhood, as expressed by participants in the West Central Neighborhood Action Plan (WCNAP), staff believes that a better approach to building missing sidewalk segments in developed residential neighborhoods is to dedicate funding toward public projects that result in sidewalks which connect to the existing pedestrian network. The Sidewalk Master Plan systematically identifies and prioritizes such projects. While sidewalk gaps along several major collector streets in the area are ranked in this plan, Sanford Avenue is not included.

It should be noted that the pending Unified Development Code (UDC) would exempt the subject site from the requirement to install a sidewalk since it was platted prior to 2001, the subdivision is built out by 25 percent or more, and there were no sidewalk standards in place at the time of final plat approval (page 226-227, September 2016 UDC Public Hearing Draft).

**RECOMMENDATION**

Approval of a sidewalk variance from Section 25-48

**SUPPORTING DOCUMENTS**

- Locator maps
- Letter from applicant
- WCNAP Transportation & Infrastructure Priorities Map
- UDC Sidewalk Applicability Standards

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.27 acre
<b>Topography</b>	Slopes downward from north to south
<b>Vegetation/Landscaping</b>	Turf and a few mature trees
<b>Watershed/Drainage</b>	Flat Branch Creek
<b>Existing structures</b>	Single-family home (under construction)

**HISTORY**

<b>Annexation date</b>	1905
<b>Zoning District</b>	R-2 (Two-Family Dwelling District)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Subdivision/Legal Lot Status</b>	Lot 161 & north ½ of Lot 162, Smithton Addition

**ACCESS**

<b>Sanford Avenue</b>	
<b>Location</b>	West side of site
<b>Major Roadway Plan</b>	Local Residential (Improved & City-maintained). 40-ft ROW in place
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalk required per Section 25-48 (Subdivision Regulations)

Report prepared by Steve MacIntyre

Approved by Patrick Zenner