

March 5, 2019

RE: THIRD REPLY TO TAC COMMENTS FOR 415 NORTH SWINTON AVENUE

Dear Ms. Hoyland

Thank you for the your comments:

Item 1 LDR 2.4.7 (A) Variance for Pool

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

REPLY: The historic house and existing and proposed addition that replaces the existing addition, does not allow for a pool to be placed in the front yard. The only viable location is the side yard which will require a pool setback variance to make a pool viable

(b)

That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

Reply: Literal interpretation of the regulations would deprive the applicant of a pool, a common amenity expected by a modern homeowner, since the pool would be required to be located in the rear or) side of the property which will require a reduction in the setback.

(c)

That the special conditions and circumstances have not resulted from actions of the applicant;

Reply: The special conditions and circumstances of the property are historic in origin and existed at the time the property was acquired by the applicant and have not resulted from any action of the applicant.

(d)

That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the

permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

Reply: The granting of the Variance is consistent with and in harmony with the general purpose and intent of the existing regulations by allowing the applicant to have use of a common amenity enjoyed by the majority of homeowners in the area. The pool would not be injurious to the neighborhood or create any issue that could be considered detrimental to the public welfare

(e)

That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

Reply: The reasons cited justify the granting of the Variance which is the minimum variance necessary to locate the pool in the side setback in order for the applicant to make reasonable use of the property. The granting of the Variance would be the sole and simplest accommodation in order for the applicant to have the reasonable use of a pool.

(f)

That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

REPLY The pool is not visible from the ROW and is concealed with hedges on the south side.

Item 1 LDR 2.4.7 (A) Variance for Carport

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

REPLY The carport location is the only place on the site to locate it.

(b)

That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

Reply: Literal interpretation of the regulations would deprive the applicant of a carport, a common amenity expected by a modern homeowner, since the carport would be required to be located in the rear of the property – there is no other place to locate it - which will require a reduction in the setback.

There are many projects that have been granted lesser setbacks for carports due to the location of an historic structure on the site

(c)

That the special conditions and circumstances have not resulted from actions of the applicant;

Reply: The special conditions and circumstances of the property are historic in origin and existed at the time the property was acquired by the applicant and have not resulted from any action of the applicant.

(d)

That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

Reply: The granting of the Variance is consistent with and in harmony with the general purpose and intent of the existing regulations by allowing the applicant to have use of a common amenity enjoyed by the majority of homeowners in the area. The carport would not be injurious to the neighborhood or create any issue that could be considered detrimental to the public welfare

(e)

That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

Reply: The variance is the minimum setback that will make it possible for the applicant to have a carport. The granting of the Variance would be the sole and simplest accommodation in order for the applicant to have the reasonable use of a carport.

(f)

That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

REPLY The carport is visually compatible with the existing and new addition and therefore is in harmony with the general purpose and intent of existing regulation

(6)Alternative findings of the Historic Preservation Board. Pool variance

(a)

That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.

REPLY: The historic house and existing and proposed addition that replaces the existing addition, does not allow for a pool to be placed in the front yard. The only viable location is the side yard which will require a pool setback variance to make a pool viable

(b)

That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

REPLY The historic house and existing and proposed addition does not allow for a pool to be placed in the front yard. The only viable location is the side yard which will require a pool setback variance to make a pool viable

(c)

That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.

Reply: The pool is located in the side yard. The request to lessen the setback for the pool would not make it feasible to build a pool if it had to meet the required side yard setback

(d)

That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

REPLY. The pool is not visible from the ROW and is concealed with hedges on the south side. The carport is visually compatible with the existing and new addition.

(e)

That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site:

REPLY: A swimming pool is a common amenity expected by a modern homeowner and can only be built in the side yard setback with a Variance. The adaptive reuse of the historic building is enhanced by the addition of a pool, a use enjoyed by other homeowners in the neighborhood.

(6)Alternative findings of the Historic Preservation Board. Carport variance

(a)

That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.

REPLY: The granting of the Variance has minimal effect on the historic character of the property and does not affect the public interest, safety or welfare.

(b)

That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

REPLY The carport location is the only place on the site to locate it.

(c)

That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.

Reply: Literal interpretation of the provisions of the existing ordinances would preclude the possibility of a carport. The carport is designed to meet visual compatibility standards.

(d)

That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

REPLY. The carport is visually compatible with the existing and new addition.

(e)

That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site:

REPLY: A carport or garage is a common amenity expected by a modern homeowner and can only be built in the rear yard with a setback variance.

Item 2 LDR 2.5.1 (E)(8)

(g)

- Different stucco finish on the addition is not recommended and it would not be supported. Stucco finish needs to match the existing stucco finish.
- The statements states that the existing historic structure and the addition will be in two different colors. The body of the structure should be in one color.
- Differentiation between the existing structure and the addition should only be recognizable to the trained eye.

REPLY: Noted. Stucco finish to match existing finish. See A3.0

(m)

6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

REPLY: The addition is sensitive to the existing historic structure and it does not change the defining characteristics of the existing structure. Its second and subordinate to the main mass of the historic structure because the parapet heights do not exceed the height of the old; Window and door openings are in scale to the existing; The color of the addition coordinate with color of the existing; The width of the addition is similar to the width of the old.

Item 3 LDR 4.5.1 (E)(3)(a)(1), Fences and Walls:

1. **Staff Review:** The chain link fences are not permitted in front of the structure, only in the rear. Please revise this.

REPLY: All comments noted. Please see A1.0 for layout of 4' high stucco wall in the front setback.

Item 4 Please indicate where the pool equipment would be placed. Same area where the AC units are noted is fine, but it needs to be noted on the site plan A-1.0.

REPLY: Noted. Please see A1.0 for location of the pool equipment.

Items 5 and 6

REPLY: Noted. The layout of the parking has been revised. See A1.0.

Item 7 Put the existing elevations pages before the proposed elevations pages in the plan sets.

REPLY: The pages have been revised.

Item 8 On the Survey there are 4 notes for grade elevations of 3.29', while the other grade elevations are in the range of ~20'. This might be a typo. Please revise the Survey, or provide the explanation for ~17' difference in grade elevations.

REPLY: Please see revised survey.

Item 9 On sheet A-3.0, on south elevation of the structure there are windows that are noted with numbers 5 and 7. There are no numbers 5 and 7 in window schedule table. The same windows are noted with number 4 on sheet A-1.1. Please revise this.

REPLY: Noted. This has been revised see drawing A3.1.

Item 10 On sheet A-3.0, on east elevation of the structure there is a window that is noted with numbers 4. The same window is noted with number 3 on sheet A-1.1. Please revise this.

REPLY: Noted. This has been revised see drawings A1.1 and A3.1.

Item 11 On sheet A-3.0, on south elevation of the structure there is a note for the door marked 103 stating "raised muntins". The door is represented without the muntins. Please revise this.

REPLY: Noted. This has been revised see drawing A3.1.

Item 12 On sheet A-3.0, on south elevation of the structure please note the width of the carport opening.

REPLY: Noted. This has been revised see drawing A3.1

Item 13 On sheets A-3.0 and A-3.1 please change the note and measurements for the “Existing Ceiling” into “Top of the Beam” or “T.O.B.” instead.

REPLY: Noted. This has been revised.

Item 14 It seems that there are inconsistencies with the existing ceiling height. On Sheet A-3.1 the “Existing Ceiling” line is above the roof for the east portion of the structure on the north elevation. Please revise this.

REPLY: Noted. This has been revised.

Item 15 5’ Perpetual Sidewalk Easement Agreement is required along the NE 5th Street per the City Engineer.

REPLY: We need more directive as to where the easement at 5th st ends at Swinton as the existing sidewalk curves onto Swinton. Therefore please make this a condition of approval.

Item 16 Provide a digital copy (pdf) of all documents provided for resubmittal, reduced 11” x 17” plan sets, as well as written response to the comments above.

REPLY: Noted.