

City Planning Commission
Conditional Use/Rezoning
Staff Report

October 7, 2021

APPLICANT: Patty M. Badertscher
PROPERTY OWNER: Patty M. Badertscher, 993 E. Church St., Marion
LOCATION: 836 Mt. Vernon Avenue, an approximately 88' wide by 148' deep parcel situated at the NW corner of Mt. Vernon at S. Seffner Ave.



REQUEST: Convert garage into an efficiency apartment creating a second dwelling on the lot.

ZONING: R-1C Single family-high density

BACKGROUND: The principal structure is a 2-story home built around 1900. A 20' x 18' garage was built in 1935. In 2006 a concrete floor and electricity was added to the garage, and it was used as an office by the prior owner. The garage is located about 4 feet from the home. Private garages and home occupations are permitted as accessory uses in the Residential Districts.

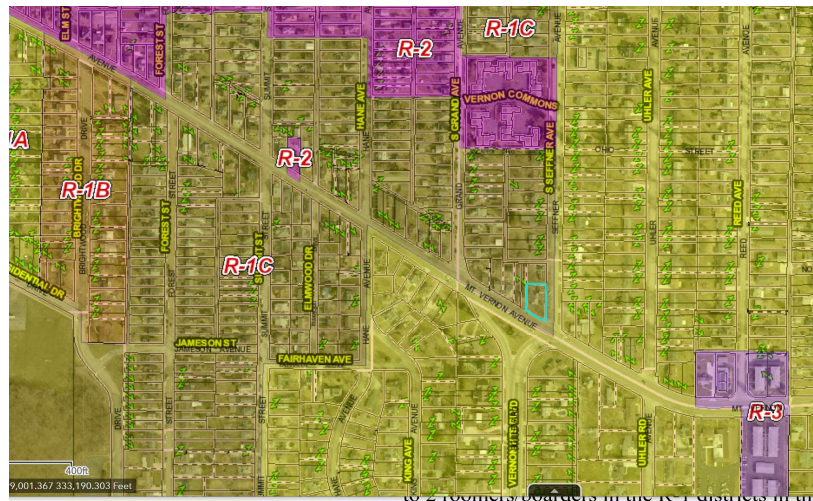
Mrs. Badertscher purchased the property in 2018. She would like to install plumbing to use the garage an efficiency apartment. This

would result with two dwellings on the same parcel in a single-family district.

COMMENTS:

Conditional Use: Section 1137.011 of the Zoning Code permits up to 2 roomers/boarders in the R-1 districts in the principal structure and permits housing for persons employed on the premises as an accessory use. However, the code does not have a provision for two single family dwellings on one parcel. Presently two-family structures, townhouses and multifamily structures are first found the R-2 & R-3 Residential Districts.

A conditional use may not be granted for a use that first appears in a higher district. Rezoning is required for such an action.



Rezoning: The proposal to convert the accessory garage into a separate dwelling unit is not a use listed as an accessory or conditional use in this district. Therefore, it is not eligible for consideration of a conditional use. A change of zoning to R-2 or R-3 would be required for that to be permitted or a change of zoning text to permit an accessory dwelling unit in the city. The applicant has not indicated if she is requesting a change of zoning. However, City Planning Commission just have the jurisdiction to review such a request.

In the future, City Planning Commission may want to consider proposing a text amendment for Council consideration that identify what regulations and conditions may be suitable for accessory dwelling units in the City. Some cities have created regulations to govern “granny flats” and temporary living arrangements in times of hardship and/or other less conventional living arrangements.

In favor of rezoning to a multifamily district:

1. The property is on a major thoroughfare.
2. Being a corner lot, the parcel is twice as large than the required 6,000 SF area for a single home. (Two-family districts require 8,000 SF of lot area.)
3. R-2 & R-3 are located north and east of the neighborhood.

Against rezoning to a multifamily district:

1. The parcel is immediately surrounded by single-family neighborhood. There is nothing unusual about a house with a detached garage that makes it a prime candidate for rezoning. Rezoning the parcel to a multifamily district would be spot zoning.
2. The garage efficiency would only be 360 SF which is much smaller than the minimum 900 SF for a single-family home.
3. Accessory structures should normally be at least 6 feet from a principal structure. Two houses on separate lots are typically even farther apart due to side yard setbacks. The required space is to minimize fire spreading from one structure to another. The garage in this case is already built too close to the house. Converting it to another living unit could become a safety issue if either one of them caught fire.
4. Denying the request does not create a hardship or limit the use of the property. The garage could still be used as an office or have plumbing added as a convenience, without making the garage a separate living unit.

STAFF RECOMMENDATION:

Deny the request for a conditional use because accessory dwelling units are not listed as any type of permitted use (accessory or principal or conditional) in the single-family district. There is nothing unique about the property to create a hardship or prevent full use of the property.

Note: Researching potential zoning regulations for Accessory Dwelling Units (ADU's) may be worthwhile for the City Planning Commission.