3 Garden Terrace

Section 7-14-1 Accessory Uses and Structures

THE CITY OF ASHEVILLE

Summary Statement:

The petitioner, Joseph Conard, is requesting a variance from the standards found in **Section 7-14-1 Accessory Uses and Structures** of the Unified Development Ordinance (UDO). The applicant is seeking relief from the required setbacks for the rear property line of 6’ for an existing, non-conforming structure to be converted into an ADU. The existing structure is considered non-comforming as it sits approximately 3’ from the rear property line.

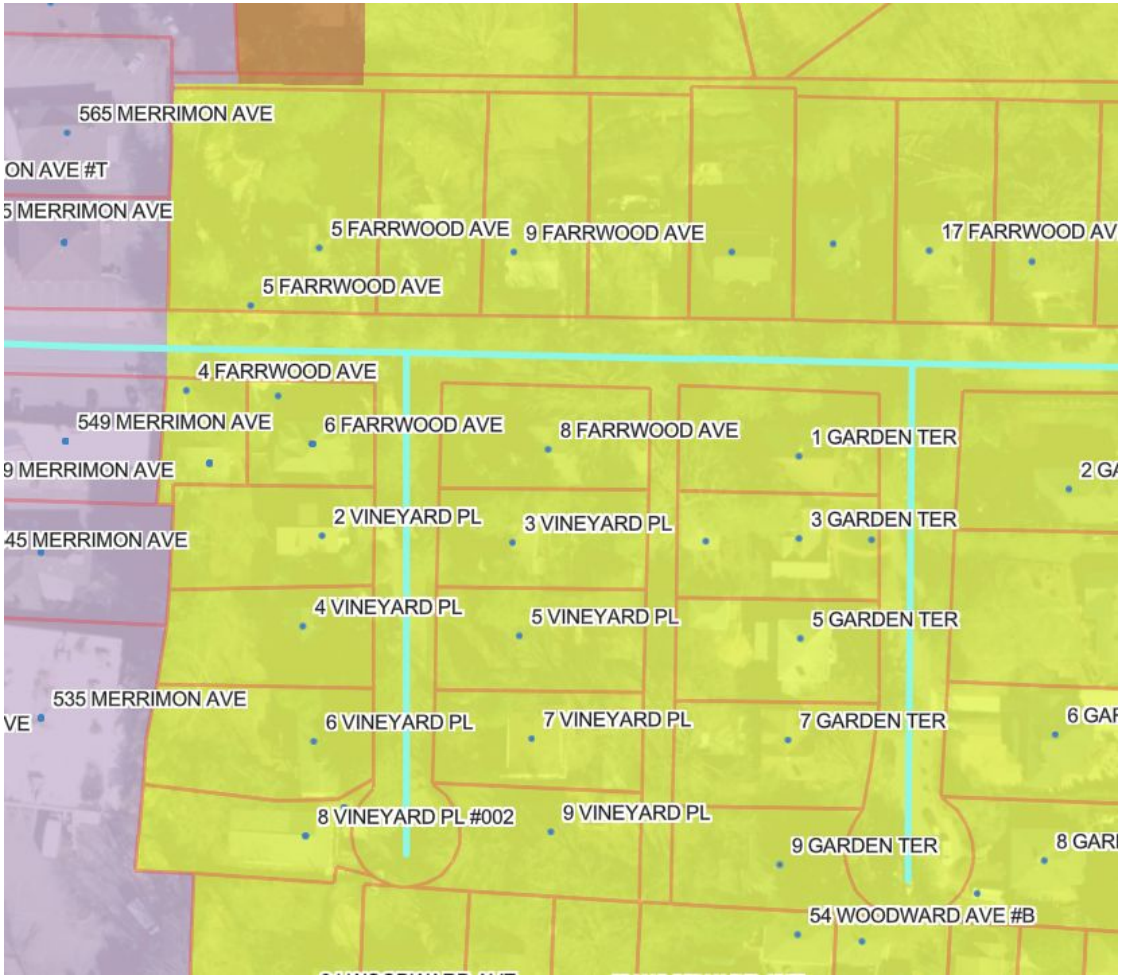
Exhibit A


AVE
1 GARDEN TER
3 GARDEN TER #100
3 GARDEN TER
3 GARDEN TER
5 GARDEN TER

Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
RS-8 Residential Single-Family High Density District	Accessory structures may encroach into the side and rear setbacks up to 6’ from the property line.	Proposed conversion of a portion of an existing nonconforming structure to an ADU, approximately 3’ from the rear property line.	A 50% variance.

Exhibit B


565 MERRIMON AVE
ON AVE #T
5 MERRIMON AVE
5 FARRWOOD AVE
9 FARRWOOD AVE
17 FARRWOOD AV
5 FARRWOOD AVE
4 FARRWOOD AVE
549 MERRIMON AVE
6 FARRWOOD AVE
8 FARRWOOD AVE
1 GARDEN TER
9 MERRIMON AVE
2 VINEYARD PL
3 VINEYARD PL
3 GARDEN TER
45 MERRIMON AVE
4 VINEYARD PL
5 VINEYARD PL
5 GARDEN TER
535 MERRIMON AVE
6 VINEYARD PL
7 VINEYARD PL
7 GARDEN TER
8 VINEYARD PL #002
9 VINEYARD PL
9 GARDEN TER
54 WOODWARD AVE #B

Background:

The subject parcel is a 7405.2 square feet residential lot located in North Asheville in the Grove Park neighborhood. All adjacent lots contain a single-family home. The underlying zoning for this parcel is RS-8 Residential Single-Family High Density District. The existing primary structure on the subject property is a 1763 sq ft. conventional home built in 1928. The existing non-conforming garage in the rear yard was also built in 1928 and measures 441 sq ft.. The garage was converted into an apartment in 2017. The garage is oriented to allow vehicular access from the alley extending from Farrwood Avenue. The applicant seeks to convert the entirety of the existing non-conforming garage structure to an Accessory Dwelling Unit. The applicant is seeking a variance from the Board of Adjustment to rectify a structure that was not properly permitted at the time of construction and to bring it into compliance by allowing a reduced rear yard setback of 3’ where 6’ is required.

Exhibit C





Exhibit C - cont.

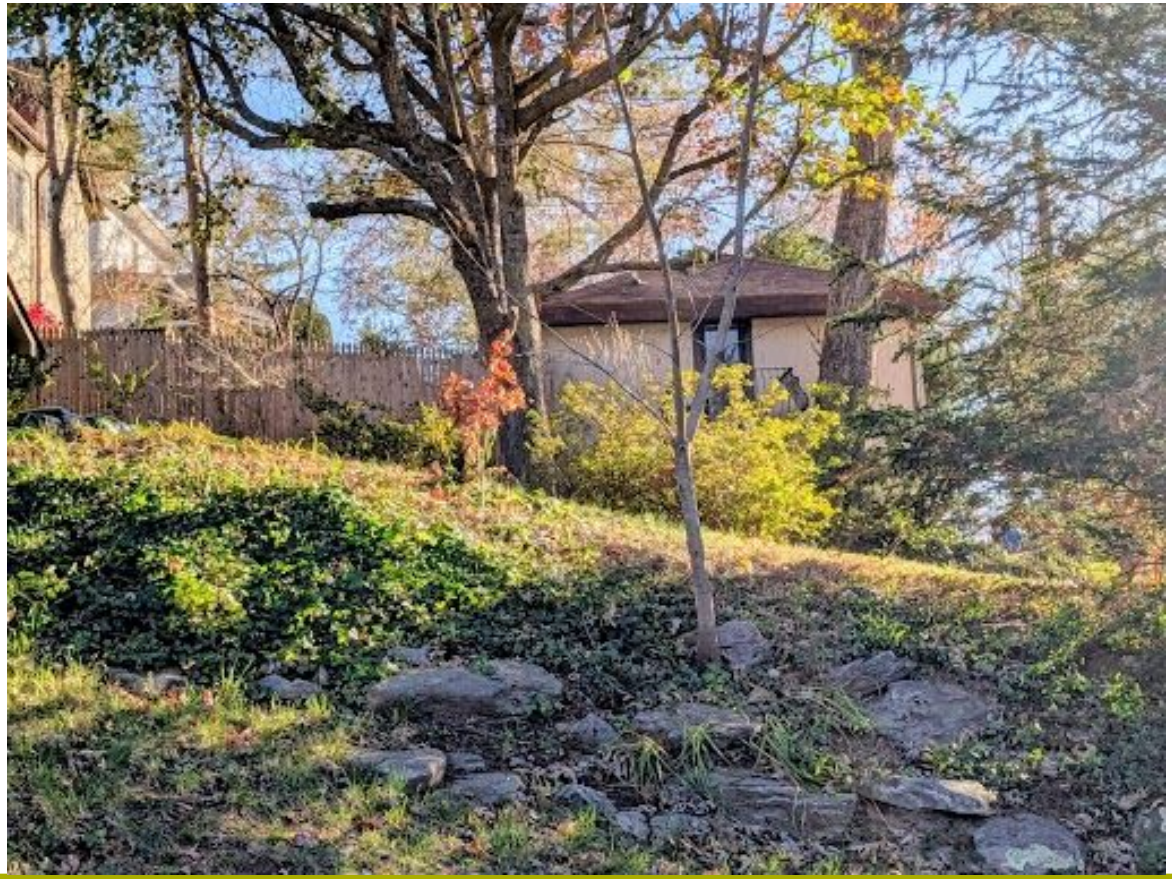


Exhibit 1

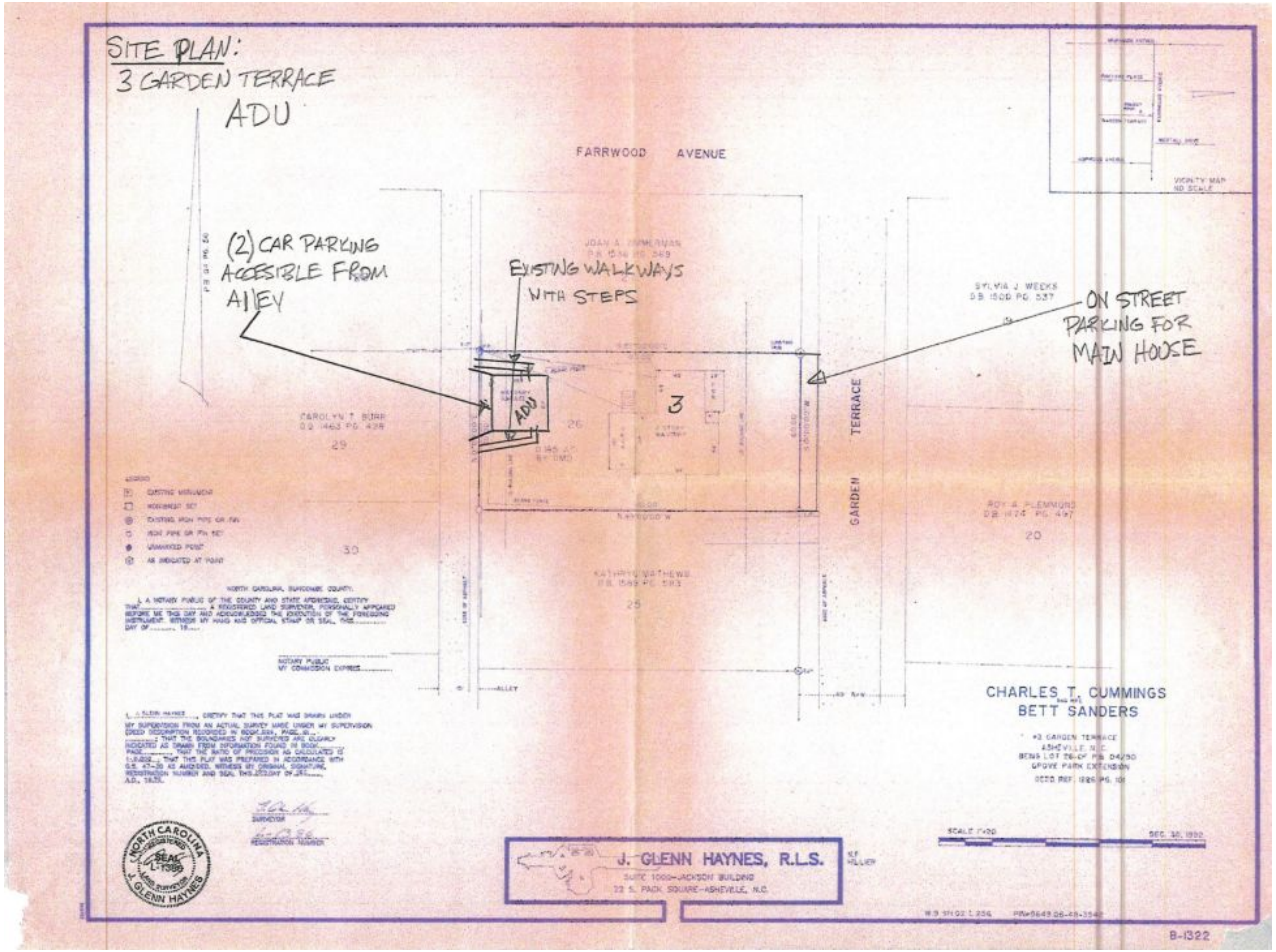

SITE PLAN:
3 GARDEN TERRACE
ADU
FARRWOOD AVENUE
(2) CAR PARKING ACCESSIBLE FROM ALLEY
EXISTING WALKWAYS WITH STEPS
ON STREET PARKING FOR MAIN HOUSE
GARDEN TERRACE
ALLEY
CHARLES T. CUMMINGS
BETT SANDERS
J. GLENN HAYNES, R.L.S.
B-1322

Exhibit 2

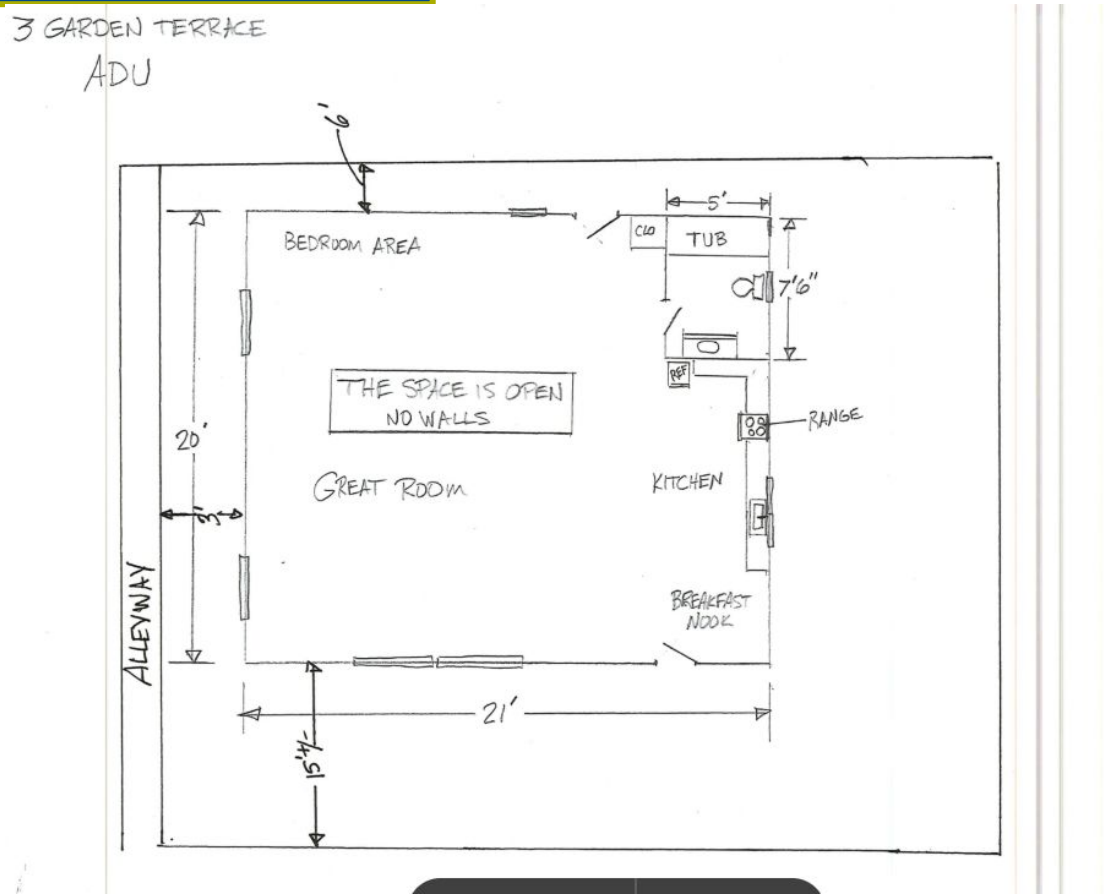
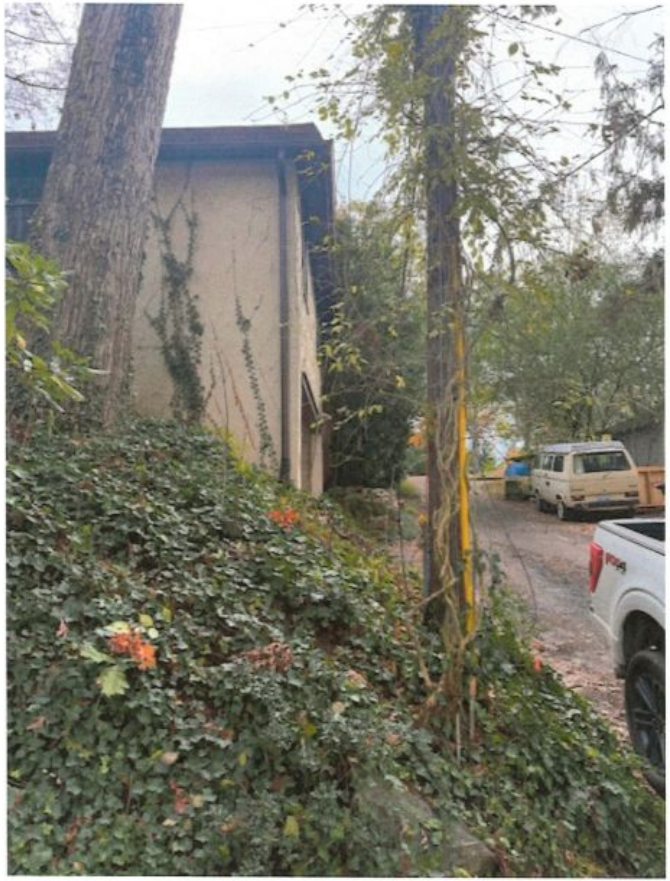

3 GARDEN TERRACE
ADU
BEDROOM AREA
CLO
TUB
5'
7'6"
THE SPACE IS OPEN
NO WALLS
REF
RANGE
20'
GREAT ROOM
KITCHEN
ALLEYWAY
BREAKFAST
NOOK
21'
14'-1"
GARDEN TERRACE

Exhibit 3



West:
Rear of structure as it relates to the city alleyway.

Exhibit 3 - cont.

Setback: The structure is 6' +/- from side lot line on this North Side only.

The rear (west) of the structure is 3' +/- from the rear property line.

The structure sits on top of a parking garage that opens up into the alleyway.

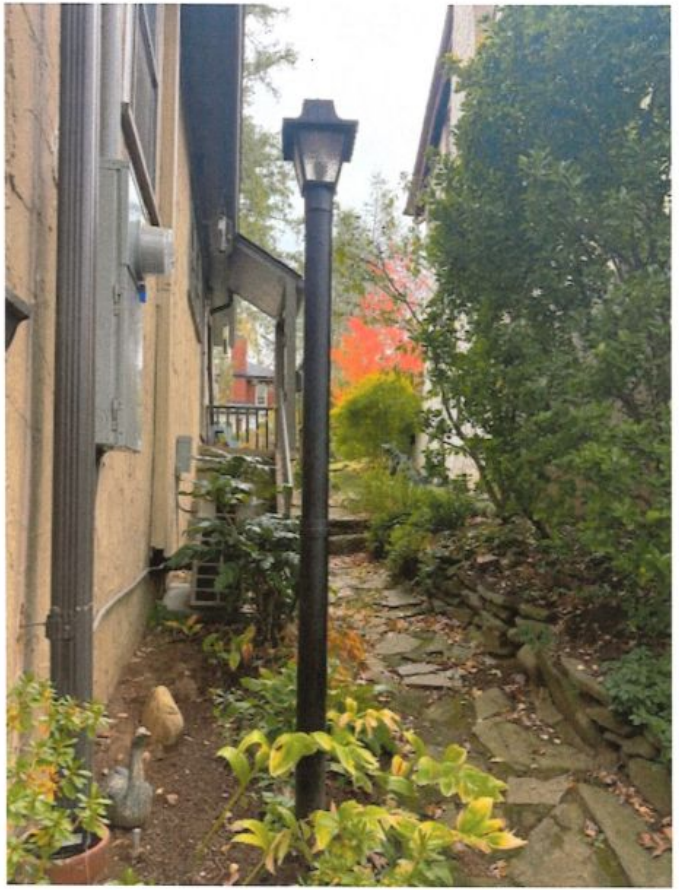
One parking space in garage.

One parking space in legal space on alleyway.



North side to show distance from adjacent property line and home.

Exhibit 3 - cont.



North Side of structure going up walkway to main home.

Review, Analysis & Considerations:

- The minimum setbacks for an accessory structure in all residential districts are 6’ from the rear and side property boundary. The existing garage structure is approximately 3’ from the rear property boundary and 6’ from the northern side property boundary; therefore, the only non-compliant setback is the rear setback.
- There is an alley extending from Farrwood Avenue to the garage, which will allow for access to the ADU. The garage portion of the structure will allow for one on-site parking space.
- The proposed ADU would use the existing footprint and foundation materials.
- The proposed ADU would adhere to all other development standards within the UDO.