



## Legislation Text

---

**File #:** 19-3369, **Version:** 2

---

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance approving a Zoning Change from PR to PD, Planned Development for a Single-Family Residence with an Accessory Dwelling on approximately 1.02 acres located at 1505 Long and Winding Road; Dr. Jason and April Lowry (ZC#19-019)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on November 18, 2019, and voted 6-0 (Knight absent) to recommend approval

The property owners are requesting a zoning change from PR to PD to allow an existing barn on their lot to be converted into a detached accessory dwelling. The existing barn will not meet all of the standards for an accessory dwelling under Section 7800.B.35 of the Zoning Ordinance (see attached). Section 7800.B.35 allows an accessory dwelling (guest house) to be constructed on a residential lot with the main residential building. The barn was already on the property before the development of the Strawberry Fields subdivision.

### Development Plan and Regulations

- The base zoning for the PD is SF-12/22. The main house complies with the area, height and setback standards for SF-12/22 zoning.
- Use of the accessory dwelling will be limited to temporary guest and family members for not more than 90 consecutive days.
- The accessory dwelling will not be rented as an apartment or used as a separate domicile.

### Deviations

The applicant is requesting the following deviations from Section 7800.B.35 as part of this PD:

- Section 7800.B.35.a: *Accessory dwellings shall be built at the same time as the main residential building.*

Prior to the development of Strawberry Fields, the property was used for agricultural purposes and included the existing barn. When Strawberry Fields was platted, the barn was included on the applicant's lot. Because the house was constructed after the barn, a deviation is requested to this provision.

- Section 7800.B.35.c: *The habitable floor area of an accessory dwelling shall not exceed 1,000 square feet or fifty (50) percent of the habitable floor area of the main residential building, whichever is less.*

The floor area of the main house is 3,431 square feet and the habitable floor area of the proposed accessory dwelling will be 1,530 square feet. The applicant is requesting a deviation to the floor area requirement due to the barn's existing floor area. Together, the main residence and the barn will not exceed the maximum lot coverage for the property.

- Section 7800.B.35.h: *An accessory dwelling must comply with the same minimum side and rear setback requirements as the main residential building.*

The minimum rear yard setback for this lot is 25 feet. The barn is approximately 8 feet, 8 inches from the rear property line. The applicant is requesting a deviation to this provision as the rear lot line was platted less than 25 feet from the barn. Additionally, the barn backs up to another large accessory building on the adjacent property.

- Section 7800.B.35.j: *An accessory dwelling shall be constructed of the predominant building and roofing materials used on the main residential building.*

The main residential building has a stucco exterior and asphalt shingles. The existing barn has wood construction with some stucco and has a metal roof. The applicant is requesting a deviation from this provision to allow part of the barn to remain wood and to allow a metal roof.

Surrounding Land Uses and Zoning:

North - Single-family residential, PR

South - Single-family residential, PR

East - Single-family residential, PR

West - Single-family residential, PR

Summary

The applicants propose to use the old barn in the rear of their property as a guest house for family and friends that are visiting from out of town. The PD will not affect the main residence, which must continue to meet the requirements of the SF-12/22 District.

For a lot this size, the owners would be eligible for an accessory dwelling in a new building that meets all of the requirements, but it would take up more space on the lot and require the use of more construction materials than converting the existing barn. By using the existing barn, more open space is left on the property.

Other than the deviations noted in Exhibit B, the applicants will meet all the other requirements for accessory dwellings. Additionally, the PD prohibits the accessory dwelling from being used as an apartment or separate domicile. The accessory dwelling may not be used as a vacation rental.

Shirley Emerson  
Planner I  
817-276-4259