

## MEMORANDUM

**TO:** Claire Powell, City Manager

**FROM:** Richard E. Luedke, AICP, Planning Director

**DATE:** December 4, 2023

**SUBJECT:** **Consideration of an Alternative Standard Associated With Parking Standards for a Single-Family Home, Located at 315 West Walters Street, Legally Described as Lot 1, Block A, Jackson Addition; Zoned Old Town Mixed-Use One (OTMU-1) District, as Requested by B. Russo Designs, on Behalf of Steven and Cindy Fields, the Property Owners. (23-10-15-AltStd).**

### BACKGROUND:

The current owner and occupant proposes to convert an existing garage into living space. The extra room is needed as a reasonable accommodation for a family member with a disability. The subject property is located within the Old Town Design District, which requires one garage space. The homeowner has considered an addition to the home in lieu of the garage conversion but found a home addition to be cost-prohibitive. A Letter of Design Approval was considered by the Old Town Design Review Committee on October 9, 2023, to approve the design of the street-facing facade, replacing the garage door with siding to match the existing siding on the home. The design was unanimously approved (3-0) by the committee, conditioned upon the alternative standard being approved by the City Council. The Planning & Zoning Commission recommended unanimous approval (6-0) of the alternative standard on October 17, 2023.

### ANALYSIS:

*Requested Alternative Standard:* to allow two driveway spaces in lieu of one garage space and one driveway space for a single-family dwelling for as long as the resident with the disability resides within the dwelling.

Article VI, Chapter 8, Section 3.C.5 of the Unified Development Code (UDC) requires single-family detached dwellings within the Old Town Design District to provide one parking space in a residential garage and one parking space in a residential driveway. This requirement ensures adequate parking is provided for all residential developments. The current residents have two cars, which they currently park in the driveway. Staff recommends that the alternative standard be limited to the occupant, and should the property be sold or the family member with the disability moves out, the space should be converted back into a garage or a new garage space should be constructed on the property. To provide notice to subsequent purchasers and/or other parties with an interest in the property, a document outlining the conditions related to the alternative standard should be filed in the Denton County Deed Records. A draft of this document is included with the

backup items associated with this request. The garage conversion is necessary to provide an additional bedroom for a family member with severe disabilities. This additional bedroom will contain both a sleeping area and a small living area that is vital to treat and manage the medical conditions of the family member with the disability. The family is unable to provide a bathroom in the additional bedroom area due to financial constraints. Staff finds this request to be consistent with the criteria for approval within Section IV.4.9 of the UDC:

- A. The requested alternative standard(s) is justified by the purposes and intent of this UDC;*
- B. The requested alternative standard is consistent with the comprehensive plan;*
- C. The requested alternative standard is consistent with the general purpose and intent of the applicable development regulations and the character of the zoning district;*
- D. The related development application meets all other applicable standards and requirements of this UDC;*
- E. The degree of modification requested is the minimum amount necessary;*
- F. The requested alternative standard will not adversely impact adjacent properties and uses; and*
- G. The requested alternative standard addresses a unique condition exclusive to the property or proposed development.*

The City Council approved variances on August 15, 2011, at 418 Wind Wood Drive and on March 18, 2013, at 1121 Meriwood Drive, both of which were to convert a garage into living space to provide a reasonable accommodation for a person with a disability. The garage at 418 Wind Wood was never converted into living space due to the family selling the property three months after the variance approval. The family that requested the variance at 1121 Meriwood Drive completed the garage conversion and still resides in the home.

**CITY STAFF'S RECOMMENDATION:**

That the City Council approve the alternative standard as set forth in the caption above with a condition that the alternative standard is limited to the occupant; that should the property be sold or the family member with the disability moves out, a garage space shall be provided on the property; and that a document be filed with the Denton County Deed Records to put any future buyers on notice that a garage space shall be provided on the property.