



January 14, 2026 Planning Commission Meeting

## Title

Consider a request for a Special Use Permit at 380 Sunrise Avenue — Meg Rupkey, Community Development

## Summary

Project name	N/A
Address/Location	380 Sunrise Avenue
Tax Map Parcels	23-A-1 and 2
Total Land Area	+/- 0.31 acres
Property Owner	Jason Burch
Owner's Representative	AM Yoder & Co.
Present Zoning	R-8C, Small Lot Residential Conditional
Special Use Permit Request	Sec. 10-3-59.4 (11) to allow reduced side yard setbacks
Planning Commission	January 14, 2026 (Public Hearing)
City Council	Anticipated February 10, 2026 (Public Hearing)

## Recommendation

Option 1. Recommend approval of the special use permit request as submitted by the applicant, which includes a condition.

## Context & Analysis

The following land uses are located on and adjacent to the property:

Site: Single-family detached residential dwelling, zoned R-8C

North: Across Chestnut Drive, single-family detached residential dwellings, zoned R-1

East: Single-family detached residential dwellings, zoned R-1

South: Single-family detached residential dwellings, zoned R-1

West: Across Sunrise Avenue, single-family detached residential dwellings, zoned R-1

On May 27, 2025, the property owner rezoned the property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional, so that the current structure would conform to Zoning Ordinance (ZO) requirements. In the R-8 district, two-story structures in the R-8 district are required to have a minimum 7-foot side yard setback, while three-story structures are required to have a minimum 10-foot side yard setback. The applicant would like to add a third story to the structure while maintaining the current footprint, but the existing two-story structure is 7.8

feet from the shared property line with 370 Sunrise Avenue. The applicant was aware of this at the time of the rezoning and anticipated that they would return to request a special use permit (SUP) to allow the reduced side yard setback along the shared property line to allow for the addition of a third floor. In the applicant's letter they state that they would like to include a condition that if the SUP were approved that the side yard setback along the shared property line with 370 Sunrise Avenue shall not be less than five (5) feet.

At the December 10, 2025, Planning Commission meeting, AM Yoder & CO, who represents the applicant, proposed an ordinance amendment to Section 10-3-59.4(11) of the ZO. If the amendment is approved by City Council, the ordinance would then allow reduced side yard setbacks with appropriate fire-rated assemblies and that would allow inoperable windows to be permitted only on the first floor. Currently, the Zoning Ordinance allows reduced side yard setbacks for residential uses provided certain fire protection measures are met, including the installation of fire sprinklers or the construction of exterior walls without openings and with a minimum one-hour fire-resistance rating. The Planning Commission recommended approval of the amendment by a vote of 6-0. City Council is scheduled to consider the ordinance amendment at its January 13, 2026, meeting.

#### *Land Use*

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

Allowing the third story with a reduced side yard setback does not negatively impact the neighborhood.

#### *Transportation and Traffic*

A traffic impact analysis (TIA) was not required for the SUP request.

#### *Public Water and Sanitary Sewer*

Staff has no concerns with the requested SUP regarding water and sewer matters.

#### *Public Schools*

If the SUP is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

#### *Conclusion*

The request maintains the existing single-family detached dwelling use, addresses the pre-existing side yard setback that is less than 10-feet, and allows reasonable vertical expansion without increasing land use impacts. The SUP would allow the property owner to build up to the property line if they meet the requirements of the SUP. Staff recommends approval of the requested SUP with the following condition that was submitted by the applicant:

The side yard setback along the shared property line with 370 Sunrise Avenue shall not be less than five (5) feet.

**Options**

1. Recommend approval of the special use permit request as submitted by the applicant, which includes a condition.
2. Recommend approval of the special use permit with other conditions(s).
3. Recommend denial of the special use permit.

**Attachments**

- Site maps
- Application and supporting documents