

Board of Adjustment Agenda Memo

From: Ryan Miller, City Planner

Meeting: July 10, 2023

Subject: Ringneck Investment Group, Inc. Variance – Accessory Structure Location – 911 5th Street South

Person(s) Responsible: Ryan Miller, City Planner

Summary:

Ringneck Investment Group, Inc. has submitted a request for a variance for the location of an existing accessory structure located at 911 5th Street South. The owners have plans to build an apartment building on the same lot. A landscape plan would be required to construct the apartment and no accessory structures can be located within the required landscape area which is equivalent to the required setback areas.

Item Details:

Property records indicate that a garage was built on the lot in 1978. No additional structures were ever built or permitted. According to Section 94-365 of City Code, no accessory building or use may be constructed or established upon a lot until the construction of the principal building has actually commenced, and no accessory buildings shall be used unless the principal building on the lot is also being used. The accessory structure would be considered a nonconforming structure. The garage also has setbacks not consistent with current code, which requires a five-foot setback along rear or side lot lines. The building has a three-foot setback to the west side of the property, which would have been allowed at the time of construction.

The property owner now wishes to build an eight-unit apartment on the lot. A landscape plan is required as part of the permitting process. According to Section 94-399 (C)(5), an area for landscaping, equivalent to the setback requirements, kept free of parking, storage, merchandise, or accessory structures, must be provided around the perimeter of the site. The application is requesting that the garage remain in its current place.

Options and Recommendation:

The Board of Adjustment has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a future meeting

Staff recommends denial.

Supporting Documentation:

1. Hearing Notice
2. Location Map
3. Variance Application
4. Site Plan