



## Legislation Details (With Text)

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<b>Title:</b>	Redlin Variance Request - 1223 5th St - Construct detached accessory structure within required side setback.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Notice, 2. Site Plan, 3. Aerial Map				

Date	Ver.	Action By	Action	Result
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Redlin Variance Request - 1223 5<sup>th</sup> St - Construct detached accessory structure within required side setback.

### Summary:

The applicant, Meredith Redlin, is requesting a variance to maintain an existing side setback of 4' for the replacement of a detached garage at 1223 5<sup>th</sup> St. The required setback in this case would be 7'.

### Background:

The house located at 1223 5<sup>th</sup> St was constructed in 1933 on a 50' x 165' lot. The detached current garage is located 4' from the side property line to the east. The concrete foundation of the existing garage is deteriorating and needs to be replaced. The applicant is seeking to reconstruct the garage on the same footprint while extending an additional 14' to the north.

For accessory structures located within 10' of the principal building at its closest point, the accessory structure shall maintain the same side yard setback as the principal structure. In the R-2 district, the side yard setback for a principal structure is 7'. The SW corner of the existing garage is 7' 8 " from the NE corner of the principal structure, therefore the 7' principal structure setback must be met. Typically, the side setback is 5'.

Variance Criteria: (Sec. 94-44)

1) Due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of the variance.

There is no unnecessary hardship due to the literal enforcement of this ordinance. A detached garage is allowed on this lot and the proposal could be accomplished while meeting the required setback if the garage were to be located elsewhere on the property.

2) Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district

Homes in this neighborhood differ in the terms of the placement of detached garages. Blocks in this area include alleyways in the rear. Some homes have detached garages fronting the alleyway while others front the streets.

The detached garage at 1223 5<sup>th</sup> St is located near the front of the lot with a driveway access along 5<sup>th</sup> St as opposed to the rear alleyway. The driveway was built to align well with the detached garage in its current location, which is where the applicant proposes to reconstruct the new garage.

3) The variance is necessary for the preservation of a property right that is substantially the same as that possessed by other owners of other property in the same district.

The proposal is seeking to preserve the location of the current detached garage while investing in the property by addressing concrete foundation issues and improving the quality of the detached garage to current building standards through the rebuild.

Other examples of garages, both attached and detached, that have been given similar variances in the area include:

510 12<sup>th</sup> Ave - Detached garage with 3' setback (required 7')

1218 6<sup>th</sup> St - Garage addition with 4.5' setback (required 7')

1734 3<sup>rd</sup> St - Detached garage with 3' setback (required 5')

4) The variance requested is the minimum variance which would alleviate the hardship.

The applicant is seeking the minimum variance needed. The proposal seeks to reuse the current footprint and setback of the garage and does not seek to further reduce the side setback allowance.

5) Reasonable use of the property is not permitted under the terms of this chapter.

Reasonable use of the property is permitted regardless of the approval or denial of the variance request.

**Recommendation:**

Based on the criteria above, staff recommends approval of the variance as presented.

**Attachments:**

Notice  
Site Plan  
Aerial Map