



Legislation Details (With Text)

File #: ID 20-0495 **Version:** 1 **Name:**
Type: Action Item **Status:** Other Business
File created: 11/19/2020 **In control:** Board of Adjustment
On agenda: 12/3/2020 **Final action:** 12/3/2020
Title: Variance Request - Sterling Technologies - 133 32nd Ave S
Sponsors:
Indexes:
Code sections:
Attachments: 1. Notice, 2. Variance Application, 3. Site Plan, 4. Area Map

Date	Ver.	Action By	Action	Result
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Variance Request - Sterling Technologies - 133 32nd Ave S

Summary:

This variance request is for a reduced rear setback at 133 32nd Ave S for the location of existing and proposed accessory structures.

Background:

The applicant, Sterling Technology, is proposing to install a storage tank and foundation in the rear yard of the lot. The lot is located at 133 32nd Ave S in the I-1 light industrial zoning district. An accessory structure located upon a business or industrial lot shall not be within five feet of any side or rear lot line.

In this case, there are three existing storage tanks located on an existing foundation within roughly 1 foot of the rear lot line. No variance was given for the existing set-back violation. The additional storage tank will roughly align with the existing foundation and tanks.

The Sterling Technology building is located on Lots 3 & 4, Block 1 of Telkamp Industrial Addition. Lots 5 (south of existing building) and 9 - 11 (east of existing building) are also owned by the application but are currently vacant. The variance would only apply to Lots 3 & 4, and would only impact Lots 9 & 10.

Since the adjacent lots are currently under common ownership, the variance would not create a substantial impact. If the eastern lots (9 - 11) were to be sold, there would need to be a replat in order to adjust the property lines further east to provide adequate setback from the storage tanks.

Variance Criteria: (Sec. 99-44)

- 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. There are multiple options for resolving the issue without the need for a variance. The storage tanks could be located in the side yard to the north where there is ample space. The lots could replatted to adjust the property line to come into conformance of the setback requirements.

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

The property includes five adjacent lots all under one ownership. If the property were one lot, there would be no need for the variance.

- 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 variance would be an extension of the existing footprint of storage tanks located within the rear yard. These existing tanks do not have a variance.

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

The variance would be the minimum variance needed.

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

Reasonable use of the property could be achieved without the variance.

Staff recommends approval of the variance.

Attachments:

Notice

Application

Site Plan

Area Map