



## Legislation Details (With Text)

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**On agenda:** 5/6/2021    **Final action:** 5/6/2021  
**Title:** Bassett Variance Request - 225 3rd Ave

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Notice, 2. Application, 3. Aerial Map, 4. Site Plan

Date	Ver.	Action By	Action	Result
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Bassett Variance Request - 225 3rd Ave

### Summary:

Eugene Bassett, on behalf of Jackrabbit Tire & Services, is requesting a variance for the expansion of a nonconforming building with a zero-foot setback and a variance to eliminate a required 10-foot landscaping area along a right-of-way.

### Findings of Fact:

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

**Finding:** A literal enforcement of the ordinance does not result in unnecessary hardship.

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

**Finding:** The property is a constrained site on a corner lot along with an alleyway. The property contains an existing conforming building built in 1978. The building was built with a zero-foot setback along the side lot line to the north. Because the property is located on a corner lot, two 10-foot landscape areas are required along both right-of-ways.

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

**Finding:** The variance would allow the preservation of a property right by allowing an existing business to invest in their property with this expansion.

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

**Finding:** The request variance is the minimum variance needed. The existing setback of zero-

feet will be continued with this variance. Although the applicant is requesting the elimination of a ten-foot landscape area along one right-of-way, the applicant will replace this ten-feet along the other right-of-way, creating a twenty-foot landscape area along 3<sup>rd</sup> Ave.

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

**Finding:** Reasonable use of the property is still permitted, however, the use of the property in the B-3 zoning district requires that all repair work be done within a completely enclosed building and all used automobile parts and dismantled vehicles be screened from adjacent property. This expansion will allow more enclosed space to meet the special requirements of this use in the B-3 zone.

**Recommendation:**

Staff recommends approval of the variance to expand the nonconforming building with a zero-foot setback. Staff recommends approval of the variance request to eliminate a required ten-foot landscape area along 3<sup>rd</sup> St with the following conditions:

- A twenty-foot landscape area is added along 3<sup>rd</sup> Ave.
- The landscape area along 3<sup>rd</sup> Ave must meet all requirements of Sec. 94-399 - Landscaping.

**Attachments:**

Notice

Application

Aerial Map

Site Plan