



## Legislation Details (With Text)

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**File created:** 7/9/2021    **In control:** Board of Adjustment  
**On agenda:** 7/19/2021    **Final action:** 7/19/2021  
**Title:** Brookings Investment Company Variance Request - Setback - 811 9th Avenue  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Notice, 2. Aerial Map, 3. Application, 4. Pictures, 5. SHPO Letter

Date	Ver.	Action By	Action	Result
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### Brookings Investment Company Variance Request - Setback - 811 9<sup>th</sup> Avenue

#### Summary:

Brookings Investment Company is requesting a variance on the north 1/2 of Lots 6 & 7, Block 8, Morehouse Addition, also known as 811 9<sup>th</sup> Avenue. The request is for a reduced front yard setback in the Residence R-2 two-family district.

#### Background:

A residential dwelling at 811 9<sup>th</sup> Avenue was moved from its foundation, which had failed, and a request has been made to relocate the dwelling at its original location which does not meet current setbacks in the zoning district.

The original setback was fifteen feet and a 25-foot setback is required in the R-2 district. The request would be for a 10-foot front yard setback variance to relocate the building at its original location.

#### Findings of Fact:

(1) Due to special conditions, a literal enforcement of the provisions of the 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 variance.

**Finding:** The home has been located at its current location with its original setback since 1916. Current zoning ordinances would require the home to be built with a 25-foot setback. In order to accommodate the required setback, a new foundation location would be needed.

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

**Finding:** The home was built prior to current zoning standards and with different setback requirements.

(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:** Residential dwellings in this district have similar setbacks as 811 9<sup>th</sup> Avenue.

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

**Finding:** The variance would be the minimum needed.

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

**Finding:** Reasonable use of the property would still be permitted, however, the dwelling would need to move 10-feet further from 9<sup>th</sup> Avenue.

**Recommendation:**

Staff recommends approval.

**Attachments:**

Notice

Aerial Map

Application

Pictures

SHPO Letter