



Legislation Details (With Text)

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Title: Daniel Bielfeldt Variance Request - Boulevard Parking - 928 7th Avenue
Sponsors:
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Date	Ver.	Action By	Action	Result
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Daniel Bielfeldt Variance Request - Boulevard Parking - 928 7th Avenue

Summary:

Daniel Bielfeldt is requesting to establish boulevard parking within a paved portion of boulevard at 928 7th Avenue. According to Resolution No. 95-92, in order occupy the City boulevard with a boulevard parking space, the owner of property contiguous to the boulevard must have obtained a boulevard parking permit. The applicant was denied a permit for boulevard parking and is appealing the decision to the Board of Adjustment as permitted in Resolution No. 95-92.

The garage facing 7th Avenue has recently been converted to office space by the applicant and the driveway between the former garage and sidewalk has been removed. The portion of the driveway within the boulevard, however, remains in place and the applicant would like to utilize this for parking.

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: According to Resolution No. 95-92, an asphalt or concrete surfaced boulevard parking space may be granted a permit by the City Engineer if all of the following conditions are met:

1. The dimensions of the parking space are a minimum of 8' x 17'.
2. Access to the space is from the street with a curb cut or mountable curb or from a legal driveway in the case of spaces parallel to the street.
3. The parking space was in place and completely surfaced with asphalt or concrete before the date of passage of Ordinance No. 27-92 (11-24-92).
4. The surfacing is in good condition.

According to the above standards, the existing paved boulevard area would meet the minimum

requirements for a boulevard parking space. The intent of Resolution No. 95-92, however, is to provide flexible parking options in business districts.

Sec. 94-431(2) states that in the event that a garage stall is converted to living, sleeping, eating or cooking space, all driveways or portions of driveways leading to the converted garage shall be removed and the land restored to grass or other landscaping.

The applicant left the portion of driveway between the curb and sidewalk after renovation of the garage into office space. Leaving this area for parking would violate the spirit of the ordinance. A three-stall garage is located behind the home fronting Harvey Dunn Street and provides adequate parking for a single-family home. The applicant states that the remaining boulevard parking on 7th Avenue would be used for quests or temporary parking.

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

Finding: Due to the removal of the driveway, and without a boulevard parking permit, the applicant no longer has off-street parking on their primary frontage. The home is near the University and in close proximity to rental properties, therefore, on-street parking is competitive. At the same time, the property includes a three-stall garage along the secondary frontage offering more off-street parking than many other homes in the vicinity and the removal of the driveway leading to the former garage constitutes a self-created hardship which does not meet the requirements for a variance.

(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: Any property owner wishing to establish boulevard parking is required to obtain a permit according to Resolution No. 95-92, however, boulevard parking is not a property right due to its location within City right-of-way.

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

Finding: The variance seeks to retain only the existing paved surface within the boulevard, therefore, the variance requested would be the minimum needed to alleviate a perceived hardship.

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

Finding: Reasonable use of the property is permitted regardless of the issuance of a variance to establish boulevard parking. The property has more than the minimum required off-street parking spaces needed for a single-family home. The applicant would like the boulevard parking space for quests and temporary parking which is available in the form of on-street parking.

Recommendation:

Staff recommends denial.

Attachments:

Public Hearing Notice
Aerial Map
Application