



Legislation Details (With Text)

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Title:	Brad and Kayla Lounsbury Variance Reconsideration - Side Yard Setback - 906 7th Street				
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Brad and Kayla Lounsbury Variance Reconsideration - Side Yard Setback - 906 7th Street

Summary:

Brad and Kayla Lounsbury are requesting a reconsideration of a variance request that was denied on Lots 13, 14 and the East 25 Feet of Lot 15, Block 1 of Shepard's Addition, also known as 906 7th Street. The request is for a reduced side yard setback of three feet from the minimum five feet required for a detached accessory structure.

The request was denied at the October 21, 2021 Board of Adjustment meeting.

A previous detached garage with a 0.5-Foot side yard setback was demolished by the applicant who now has begun rebuilding a new detached garage in its place. The applicant was informed prior to construction that a five-foot side yard setback was required. During a field inspection, the new garage was observed to be noticeably less than five feet from the side property line. An adjacent property also has a detached garage aligned with the detached garage under construction at 906 7th Street. These two structures are less than five feet from one another. If the structure is approved at its current location, the west facing wall would need a one-hour fire rating. The applicant is proposing a 16-inch overhang. Only 12 inches would be approved along with the 1-hour fire rating.

The garage will be 900 square feet with a sidewall height of 10-feet and total height of 16-feet 4-inches.

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: A bathroom addition on the home's west side has created access constraints to the garage. The former garage was located 0.5-foot from the side lot line to the west which allowed access

around the bathroom addition. The lot is 100 x 200 with roughly 12,000 square feet in the rear yard for a detached garage. The new garage could be repositioned and orientated to meet the 5-foot side yard setback while still providing appropriate car access.

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

Finding: The property is one of the larger lots in the vicinity which allows the applicant more flexibility in locating the new detached garage. All residential lots have a 5-foot minimum setback for accessory structures. The applicant mentions that a previous bathroom addition to the west side restricts access alignment to the garage.

(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: Access to a detached garage is still available to the applicant. The garage may need to be reoriented in order to meet the required five-foot setback.

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

Finding: The requested variance would meet the current location of the under construction detached garage.

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

Finding: Reasonable use of the property is permitted.

Recommendation:

Staff recommends denial.

Attachments:

Notice
Application
Aerial Map
Site Plan