

Legislation Text

File #: ID 20-0242, **Version:** 1

Reconsideration of Hegerfeld Variance Request - 517 6th Street - Construct an addition with a two (2) foot setback to the north property line and a four (4) foot setback to the west property line by the alley

Update 6/10/2020:

The applicant is seeking reconsideration of a setback variance request that was denied on June 4, 2020. The applicant has changed the request to a two (2) foot setback to the north property line and a four (4) foot setback to the west property line by the alley. In order for the Board to hear the request, a board member on the prevailing side (a member that voted no) will need to make the motion to reconsider the request.

Summary:

The applicant is seeking a variance to construct an addition with a zero-foot setback to the north and east property lines and construct within five (5) feet of the west property line. The ordinance requires a 20' rear yard setback and a 5' side yard setback in the B-2 District.

Background:

The property is located on the north side of 6th Street and a building permit to constructed the existing structure was issued in 1962. The parcel is very small at 3,750 square feet in size was split by a deed as it is a portion of a platted lot. The parcel was developed prior to the 1966 Zoning Ordinance. The property has been used as an office in the past.

The applicant would like to construct an addition to the north and east property lines and build to within five (5) feet of the west property line with a garage door facing the alley. In this case, the garage needs to be setback at least 10 feet from the alley. The site is very constrained and is already nonconforming from a setback and parking perspective. The ordinance requires seven (7) spaces for an office use. The site has parking on the north and west sides of the building; however, the parking spaces on the west side do not meet the current standards. The applicant is proposing the alley be one-way; however, the City Council makes the final determination.

Variance Criteria:

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.

The site is very constrained making it very difficult to construct an addition; however, an addition to the building would further decrease the amount of available parking spaces. Parking is already an issue on the property.

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

The structure was constructed prior to the 1966 Zoning Ordinance taking effect and can remain as nonconforming as it is currently configured. The construction of additional square footage would

result in a loss of available parking which would only intensify parking concerns.

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 is not necessary for the preservation of a property right as the building can continue to be used as an office.

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

Staff does not find a hardship in this case.

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

There is reasonable use of the property.

Staff Recommendation:

Staff recommends denial of the variance request primarily due to the loss of parking spaces.

Attachments:

Notice

Application

Site Plan

Aerial Map