

Legislation Text

File #: ID 21-0224, **Version:** 1

Behlings Variance Request - 708 6th Ave

Summary:

Matthew Lounsbery, on behalf of Randy Behlings, is requesting a variance to expand a nonconforming detached garage and exceed the maximum square footage allowed for accessory buildings on a lot.

Background:

The property owner has installed a concrete pad with the intention of adding on to a detached garage with a three-foot side yard setback. The required side yard setback for an accessory building is five feet. The existing garage is 308 sq.ft. and an existing utility shed is 216 sq. ft. The garage expansion would be 528 sq. ft. This would create a total of 1,052 sq. ft. of accessory buildings on the lot. The maximum allowed is 1,000 sq. ft.

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: There is no unnecessary hardship due to the literal enforcement of this ordinance. A detached garage is allowed on this lot and the proposal could be accomplished while meeting the required setback if the garage were to be located elsewhere on the property. The project could be adjusted to meet the maximum allowable sq. ft. for accessory buildings.

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

Finding: Homes in this neighborhood differ in the terms of the placement of detached garages. Blocks in this area include alleyways in the rear. Some homes have detached garages fronting the alleyway while others front the streets. The existing garage is set back three feet from the property line which allows 25 feet for ingress/egress to the alley way. Increasing the setback to five feet would reduce the amount of space to turn into and out of the garage from the alley.

(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 proposal is seeking to preserve the location of the current detached garage while investing in the property by increasing the garage size to other comparable garages in the area. Other recent variances for similar sites have allowed reduced setbacks of 3', 4', and 4.5'.

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

Finding: The variance for reduced side setback is the minimum variance since it matches the

current setback for the existing conforming garage. The plans could be adjusted to reduce the square footage of the expansion in order to meet the maximum sq. ft. allowed. The proposed size would match the area of concrete poured for this project.

(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 approval or denial of the variance request.

Recommendation:

Staff recommends approval of the request for a reduced setback of 3'. Staff recommends denial of the request to exceed the maximum allowed sq. ft. of accessory buildings.

Attachments:

Notice

Application

Aerial Map

Site Plan

Current Site

Pictures