

Legislation Text

File #: ID 21-0403, **Version:** 1

Denis Miller Front Yard Variance Request - 1710 6th Street

Summary: The applicant is requesting a variance to expand an existing patio for Cottonwood Bistro located within the front yard setback area along 17th Avenue North. The required front yard setback area is 25 feet and porches, decks, and platforms less than 30 inches in height can project into a front yard area no more than 20 percent of the front yard setback, in this case 5 feet. The existing patio already exceeds the allowed encroachment into the front yard setback. The applicant would like to reconstruct the sidewalk along the property and expand the patio to 15 feet into the front yard setback.

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 property is located on a corner lot which restricts patios, decks and porches within the front yard setback. This property is part of the Brickwood Plaza mall. Expanding in front of the café would impact pedestrian access to the mall from 17th Avenue and require parking reconfiguration.

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

Finding: The property is not unique compared to other properties in the vicinity. The Brickwood Plaza and adjacent Village Square Mall were constructed in similar manners with commercial suites fronting large shared parking lots. The Brickwood Plaza is unique in that it has front yard frontage along 17th Avenue.

(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 café is able to offer patio space in both front yard areas, however, the applicant would like to expand the patio further into the front yard area than is allowed.

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

Finding: The applicant seeks to maximize the space available for patio seating at the café. The plan could be altered to reduce the front yard setback encroachment.

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

Finding: Some patio space would be permitted without the variance. The request is to maximize the patio space in the 17th Avenue setback.

Recommendation:

Staff recommends approval.

Attachments:

Notice

Aerial Map

Application

Site Plan

Existing Condition