

Legislation Text

File #: ID 21-0479, **Version:** 1

Gary Newman Variance Request - Maximum Square Feet Allowed - 2021 Olwien Street

Summary:

Gary Newman has made a request for a variance on the West Eight (8') Feet of Lot Eight (8) and the East Sixty-Two (62') of Lot 9, Block 2 of East Acres Addition, also known as 2021 Olwien Street. The request is for 1,040 square feet of accessory structures on the lot. The maximum square feet allowed for accessory structures is 1,000 square feet.

An existing 900 sq. ft. detached garage was built on the lot in 1990. The applicant is now in the process of building a 140 sq. ft. shed behind the garage. This would bring the square footage of accessory structures over the maximum allowed, which is 1,000 square feet.

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: Enforcing the provisions of the chapter will not result in an unnecessary hardship. Exceeding the maximum allowed square footage for accessory structures will violate the spirit of the ordinance by reducing the amount of open space in the rear yard beyond an acceptable standard. No justice would be achieved by the result of the variance as no perceived hardship can be identified.

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

Finding: The property is located in the East Acres Addition with similar dimensions and lot size to surrounding properties. Most properties in East Acres Addition, adjacent Morningside Addition as well as a majority of properties in the City of Brookings are capped at 1,000 sq. ft. of accessory structures.

(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 same rule applies to other property owners in the district. The property owner can build a shed on the property up to 100 sq. ft. In this case, the property owner is seeking to build 40 sq. ft. beyond what is allowed by code.

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

Finding: Since the shed is currently being built, it could be finished with dimensions that meet the

ordinance. The variance requested is the minimum needed to complete the project as planned.

(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