

**Zoning Board of Appeals
January 22, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0039; 426 S Fourth Avenue

Summary:

CareOne Rental LLC, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure, to construct a 258 square foot second story addition over an existing first floor to the nonconforming residence. The proposed interior remodel construction will reconfigure the existing apartments from 6 units (10 bedrooms) to 4 units (20 bedrooms). Work will also include finishing the currently unfinished basement. The property is zoned R4C, Multiple-Family Dwelling District.

Background:

The subject property is located on the west side of Fourth Avenue between East William Street and Packard Street in the Germantown neighborhood. The apartment building was built in 1901 and is approximately 3,357 square feet in size.

Description:

The subject property is nonconforming for lot area (8,189 sq. Ft.) and number of dwelling units (6). The owners are proposing a new addition over the existing first floor area on the southwest corner of the building. The second-floor addition will contain two bedrooms and a full bathroom for unit three. The addition meets the R4C district setback requirements for the side and rear yards. The newly created habitable space in the basement will be a five bedroom three bathroom unit. The new basement construction requires alteration approval from the ZBA.

Standards for Approval- Alteration to a Nonconforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall apply:

- A) The alteration is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

The applicants had the following response regarding potential detrimental effects to neighboring properties:

“The building is currently a 6-unit apartment building. The alteration is finishing the existing unfinished basement (1,083 sq. ft.) and to add 258 sq. ft. to the second floor (over a one-story portion of the building). We will also be reducing the number of units from 6 to 4. The total number of bedrooms will be increasing from 10 to 20. This would not have any impact on the neighbors. The neighborhood is already rental properties, and

reducing the number of units makes this property more in-line with the zoning (R4C).”

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive font.

Jon Barrett
Zoning Coordinator