

**Zoning Board of Appeals
January 24, 2024 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0036; 421 Benjamin Street

Summary:

Rob Fowler, representing property owner, is requesting relief from Section 5.32.2 Nonconforming Structure to construct a third story with dormers on the existing nonconforming rental building. The residence is an existing four bedroom unit. The proposed alteration will increase the building to a six bedroom with additional bedrooms in the newly proposed third story. The property is nonconforming for lot area, lot width and side setbacks on the west side of the parcel. The property is zoned R4C, Multiple Family Dwelling District.

Background:

The subject property is located on the north side of Benjamin Street between South Division Street and Sybil Street due east of Elbel Field. The home was built in 1924 and is approximately 1,238 square feet in size. The home is currently a certified student rental.

Description:

The first floor of the home will receive a remodel with no new bedrooms being created. The existing second floor has three bedrooms and a bathroom. The second floor construction will eliminate a bedroom and add a bathroom. The newly proposed third floor will house three bedrooms and two bathrooms. There is no construction being considered for the basement. Upon completion of the project the home will contain six bedrooms and five bathrooms to be utilized by a maximum of six unrelated occupants.

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 house is surrounded with student housing and similar structures."

Respectfully submitted,



Zoning Board of Appeals
January 24, 2024
Jon Barrett
Zoning Coordinator