

**Zoning Board of Appeals
December 6, 2023 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0029; 1021 Robin Road

Summary:

The property owners are requesting a 16 foot eight inch variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct an approximately 620 square foot addition to the existing attached garage. The new addition will provide additional vehicle parking and a one bedroom, one bathroom living area. The property is zoned R1B, Single-Family Dwelling.

Background:

The subject property is located at the intersection of Red Oak Road, Robin Road, and Hockey Lane in the Upper Water Hill subdivision. The home was built in 1951 and is approximately 2,280 square feet in size.

Description:

The existing house encroaches six feet four inches into the required front setback. The encroachment includes a one-car garage and a hallway that connects to the home. The proposed construction will expand the garage to allow parking for two vehicles. The existing bedroom will be enlarged along with a new full bathroom that will encroach into the front setback. The proposed addition will encroach further into the front setback by 10 feet four inches. The addition will be approximately 31 feet from the edge of the Robin Road.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the Unified Development Code (UDC). The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

Applicant response: *"The property has an existing unusable attached garage with an interior dimension of 15'-2 1/2" deep by 13'-9 3/8" wide. This garage already is non-conforming in that it is placed inside the front setback by 6'-4". Other locations on the site were considered as alternatives but required major grade changes and the removal of mature trees."*

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

Applicant response: *“Failure to grant a variance would mean that the home is left with a non-conforming unusable garage. Constructing a garage on the other side of the house would also mean cutting down at least four mature trees and considerable grade change.”*

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

Applicant response: *“The practical difficulties that will be suffered by failure to grant the variance is that an unusable garage would be maintained. Neighboring homeowners would not be negatively impacted by the granting of the variance and the construction of a usable two-car garage. Granting the variance would allow the cars to be kept in a secure garage and out of the view of neighbors.”*

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

Applicant response: *“The condition is not self-imposed. The existing garage was altered at some point prior to the current owners purchase of the house to an unusable interior dimension and was built in a non-conforming location.”*

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

Applicant response: *“The dimensions being requested for the addition to the existing garage would be the minimum to convert it to a usable two car garage at that location and make reasonable use of the existing house conditions (pre-existing garage structure) and site conditions (grade, trees, access).”*

Respectfully submitted,



Jon Barrett- Zoning Coordinator