

**Zoning Board of Appeals
July 22, 2026, Regular Meeting**

STAFF REPORT

Subject: ZBA 26-0011; 110 South Revena Boulevard

Background:

Applicant: Cara and Karl Rosaen
Location: west side of South Revena between Jackson Road and Washington Street
Lot Area (approximate): 5619 square feet
Neighborhood: Eberwhite
Parcel Identification Number: 09-09-30-109-009
Property Owner: Cara and Karl Rosaen
Year Built: 1923
Zoning District: R1D Single-Family Residential

Request:

Cara Rosaen, property owner, is requesting a 6.6% variance from Section 5.16.6.D Accessory Uses and Structures. If granted, the variance will allow a 522.5 square-foot detached garage to exceed the allowed 35% rear yard open space. A maximum of 386 square feet of impervious surface is permitted in the rear open space. The new detached garage is proposed to have 450.5 square feet of area in the rear open space. The property is zoned R1D, Single-Family Residential.

	Maximum	Proposed
Rear Open Space	35%- 386 sf	41.6% - 450.5 sf

UDC Standards:

All Accessory Uses and Structures

General

No *accessory building* shall be used prior to the *principal building* or *principal use*, except as a construction facility for a *principal building*. Such construction facility shall not be used for residential purposes. This exception is a temporary *accessory building* which shall lapse 30 days after completion of the *principal building* or *buildings*.

In Residential Zoning Districts and P District

Accessory buildings in these districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

- a. *Accessory buildings* shall not exceed 21 feet in *height*, except in the R-6 District *accessory buildings* shall not exceed 15 feet.
- b. *Accessory buildings* shall not be erected in any *front required setback area*.

- c. Detached *accessory buildings* may occupy the *side required setback area* provided that such *buildings* are set back farther from the Street than any part of the *principal building* on the same *lot* and any part of the *principal building* on any *lot* abutting said *side required setback area*. *Accessory buildings* shall not be located closer than three feet to any *lot line*.
- d. *Accessory buildings* may occupy *rear required setback areas* provided that such *buildings* do not occupy more than 35% of the *rear required setback area* and are not closer than three feet to any *lot line*.
- e. Attached *accessory buildings* shall not occupy any portion of the *side required setback area*.

Variance Standards:

Under State law and the City Charter and Code, the Zoning Board of Appeals (ZBA) has the authority to grant nonuse variances. In considering a variance request, the ZBA shall consider the following criteria in Section 5.29.13.C of the UDC:

1. A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:
2. That the alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

APPLICANT RESPONSE: "This particular request is from the result of a natural disaster, nothing that we wanted, and replaces a structure that has been there for over 75 years. We were not hoping to build something new or have any of the hassle of having to deal with anything new. In fact, we had just renovated our home and certainly did not feel like investing in a garage. We bought the house with the same lot layout which was established decades ago. The need for this variance arises solely from the urgent necessity to rebuild a basic residential amenity lost to a natural disaster, utilizing the intact, permanent site infrastructure that remains. Thank you for your time and consideration during all of this."

3. That the alleged practical difficulties that 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: "The inability to rebuild a garage or have to change the footprint of the garage would significantly change the resale value of the property and disrupt many thousands spent on landscaping in the backyard (just 2 years ago), requiring a new investment in a new patio and re landscaping to match. . It could potentially also not allow us to store as much in our garage, in particular park our cars to prevent them from damage as we have always had the option to do (We also own an electric car which requires a battery which we had power for in our old garage). We have two kids and all of the accompanying stuff that comes with kids: bikes, balls, and the like, and not having a garage or changing the variance would make it hard to fit everything in. It would be disastrous financially and practically speaking."

4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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: "There will be no known harm to anyone or inconvenience to anyone. We have letters of support from our neighbors, and obviously our next door neighbors support the rebuild in the same spot, as theirs was lost too and we are good friends, using the same architect and contractor, and trying to navigate this all together."

5. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.

APPLICANT RESPONSE: "The reason for the variance is that the garage takes up 41.6% of the backyard open space rather than 35% as set now, certainly not self-imposed, just a result of the previously print of the garage as it has been for over 75 years before we lost it to a tornado and as it was when we bought it. The circumstances for the request are from a natural disaster not a personal need for something new. We had no desire to go through any of this"

6. The variance to be approved is the minimum variance that will make possible a reasonable use of the land or structure.

APPLICANT RESPONSE: "We hope you will lovingly consider allowing us to rebuild as was to just capture what we had so we can move on after the destruction of a tornado that left us no choice"

Respectfully submitted,

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

Jon Barrett
Zoning Coordinator

