

**Zoning Board of Appeals
October 25, 2023, Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0026: 526 Detroit Street

Summary:

Robb Burroughs, representing the property owner, is making three requests: 1) Variances of two feet one inch and two feet eleven inches from Section 5.16.6 (2) (D) Accessory Uses and Structures. These variances are required for the east and south side of an existing detached garage to allow it to be converted to an Accessory Dwelling Unit (ADU). 2) The proposed addition to the rear of the home will require approval from Section 5.32.2 (C) Alteration to a Nonconforming Structure to allow the addition to be 3.82 feet from the side lot line. It will not encroach further into the side yard setback than the existing residence. 3) The addition also requires a one foot eight inch variance from Table 5.17-3 Multiple-Family Residential Zoning District Dimensions to encroach into the required 30 foot rear yard setback.

The subject property is zoned R4C, Multiple-Family Dwelling District and is in the Old Fourth Ward Historic District.

Background:

The property is located at the northeast side of Detroit Street, north of East Kingsley and southwest of North Division Streets. It is across the street from the former Treasure Mart. The home was built in 1901 and is approximately 864 square feet in size.

Description:

The applicants are proposing a one-story addition to the rear of the existing home. The addition will contain a 132 square foot bedroom. The detached garage is to be converted into an Accessory Dwelling Unit (ADU) that does not meet the required three-foot setbacks from the side and rear lot lines. The ADU will be two-stories with the first floor having a living room, kitchen, and bathroom. The second story will be a loft-style bedroom.

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 existing property is zoned R4C, and like many of the properties in the city the lot is deficient in overall lot area, as well as side and rear yard setbacks for existing structures."

- (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: “The property and its structure is located in the Old Fourth Ward Historic District. The existing residence requires an extensive amount of work and effort to renovate, preserve and protect into the future. This is not an insubstantial undertaking. To mitigate these efforts, the owner wishes to provide additional income opportunities for this property through a single story addition to improve habitable space within the existing dwelling unit. In addition, the property owner wishes to convert an existing garage into an accessory dwelling unit.”

- (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: “Encouraging more density in Kerrytown oriented at college students is beneficial for encouraging alternative transportation, supporting businesses nearby, creating active and diverse communities, and providing varying and multiple forms of housing opportunities in this neighborhood.”

- (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 site is zoned multi-family - R4C zoning district. The structure is a single -family use with no request to change. This request is simply to convert an existing garage into an Accessory Dwelling Unit. The existing garage structure does not conform to the rear and side yard setbacks, or the rear yard percentage of open space for irregular shaped lots. The request is simply to convert the garage and footprint into habitable space.”

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

Applicant response: “The provisions of R4C and R1C allow for an ADU to be constructed on a lot less than 7200SF. The request is to convert an existing structure into an ADU.”

Respectfully submitted,



Jon Barrett- Zoning Coordinator