

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

STAFF REPORT

Subject: ZBA 23-0032; 835 Redeemer Avenue

Summary:

Tri-County Builders representing the property owner, are requesting a 10 foot variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct a two-story addition to the rear of the existing residence. The proposed addition will contain a one car garage, mudroom and stairs leading the second story. The second story will contain an office and a bathroom. The property is zoned R1C, Single-Family Dwelling District and requires a minimum 30 foot rear yard setback.

Background:

The subject property is located on the east side of Redeemer Avenue north of Pauline Boulevard in the Pauline Acres subdivision. The home was built in 1953 and approximately 1,000 square feet in size.

Description:

The existing one car detached garage will be removed to allow for the new construction of the proposed two-story addition. The addition will not meet the required rear yard setback but will comply with the required five foot side yard setback.

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: *“Due to the angular configuration and shape of the lot along the rear lot line, and due to the location of the existing home on the lot, the conditions and circumstances are unique for this lot. The addition is proposed in the location of the existing detached garage building and on the existing driveway side of the house. Given the lot shape, any addition in this area will encroach on the required 30'-0" rear setback. The proposed garage addition is very similar in footprint and in the same location as the existing detached garage building aligning with the existing driveway and existing street curb cut an approach.”*

- (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.***

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Applicant response: *“This growing family wishes to stay in their neighborhood and needs additional living space to meet their family needs. Attaching the garage building (currently detached) and adding a mudroom while providing additional living space with the addition of a bonus room above their new garage will meet family needs and make the home more livable.”*

- (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 lot shape and configuration along the rear lot line makes any addition to the rear of the home impossible without encroaching into the rear setback. The footprint proposed for the new garage is similar to the existing detached garage and in the same location. With this similar footprint area impact to the neighboring properties will be negligible. In recent years, similar garage additions with living space above have been completed in the neighborhood and within blocks of this home.”*

- (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 footprint dimensions of the new garage addition are similar to the existing detached garage and in the same location. With the location of the existing house on the lot and due to the shape of the lot, when the garage becomes an attached design the rear setback encroachment is unavoidable. The existing driveway and existing street curb-cut and approach is on the side of the lot making this the only reasonable location for the proposed attached garage addition.”*

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

Applicant response: *“We are proposing a modest single car garage space similar to the existing detached garage building. We are also proposing a small mudroom area that attached the new garage and mudroom-matching footprint of the space defined for the new single car garage and mudroom directly below.”*

Respectfully submitted,



Jon Barrett- Zoning Coordinator