

Zoning Board of Appeals
July 22, 2026, Regular Meeting

STAFF REPORT

Subject: ZBA 26-0009; 1724 Waltham Drive

Background:

Applicant: Ryan Kratz, Kratz Designs, LLC
Location: West side of Waltham Dr, between Saxon St and Windsor Dr
Lot Area (approximate): 7,928 sq ft
Neighborhood: Dicken
Parcel Identification Number: 09-09-31-307-007
Property Owner: Sarah Gualano
Year Built: 1963
Zoning District: R1C Single-Family Residential

Request:

A sixteen (16)-foot variance from Section 5.17.3.B, Table 5.17-1 of the Unified Development Code (UDC) to permit a 531-square-foot, single-story building addition to the rear of an existing 1,432-square-foot single-family dwelling to have a fourteen (14)-foot rear setback where thirty (30) feet is the minimum setback required.

	Minimum	Proposed
Rear Setback	30 ft	16 ft

UDC Standards:

TABLE 5.17-1: SINGLE-FAMILY RESIDENTIAL DISTRICTS									
Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.									
DISTRICT	MIN. LOT AREA PER DWELLING UNIT	MIN. BUILDING SPACING	REQUIRED SETBACK				MAX. HEIGHT	LOT DIMENSIONS	
			MIN. FRONT	MIN. ONE SIDE	MIN. TOTAL OF TWO SIDES	MIN. REAR		MIN. AREA	MIN. WIDTH
AG	100,000 sq. ft.		40 ft. [A][B]	10% of lot width	20% of lot width	50 ft.	30 ft.	100,000 sq. ft.	200 ft.
R1A	20,000 sq. ft.	[C]	40 ft. [A]	7 ft.	18 ft.	50 ft.	30 ft.	20,000 sq. ft.	90 ft.
R1B	10,000 sq. ft.	[C]	30 ft. [A]	5 ft.	14 ft.	40 ft.	30 ft.	10,000 sq. ft.	70 ft.
R1C	7,200 sq. ft.	[C]	25 ft. [A]	5 ft.	10 ft.	30 ft.	30 ft.	7,200 sq. ft.	60 ft.
R1D	5,000 sq. ft.	[C]	25 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	5,000 sq. ft.	40 ft.
R1E	4,000 sq. ft.	[C]	15 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	4,000 sq. ft.	34 ft.

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: "The property faces a unique practical difficulty due to the original lot geometry, which, when combined with the 30-foot rear setback requirement, renders a portion of the existing structure non-conforming. It also results in a buildable area that is inadequate for a single-family house. This creates an exceptional condition specific to this parcel that is not representative of typical properties within the City."

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: "Strict enforcement of the rear setback requirement creates a practical difficulty because the existing house and lot configuration leaves no reasonable compliant location for an addition."

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: "The proposed addition is not expected to adversely affect neighboring properties. The portion that extends into the rear setback is located in a remote corner shared with the western neighbor's lot and would only minimally reduce the southern view from the northern neighbor. In addition, less than half of the proposed addition would encroach into the rear setback (see Sheet A1.1)."

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

APPLICANT RESPONSE: "The site conditions are not self-imposed because the property was platted with irregularly shaped geometry. The 30-foot rear setback results in a very restricted buildable area."

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

APPLICANT RESPONSE: "The addition will not be parallel to the rear property line. One corner of the addition will encroach into the rear setback. The area of the addition

inside the rear setback is 247 square feet, with the remaining area being located within the permitted buildable area.”

Respectfully submitted,

Erik Perdonik, AICP
Zoning Coordinator

