

**Zoning Board of Appeals  
June 28, 2023 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 23-0018; 1817 Abbott Avenue**

**Summary:**

Cherie Donze, representing property owners, is requesting a variance of four feet five inches from Section 5.18.5 Averaging an Established Front Building Line. The owners are proposing to construct an approximate 110 square foot (12.5' x 8.75') addition for a primary bedroom to the west side of the existing residence. The required average front setback is 29.5 feet. The property is zoned R1D, Single-Family Residential.

**Background:**

The subject property is located at the corner of Abbott Avenue and Glendale Drive in the Eberwhite neighborhood. The property is east of Hillside Memory Care. The home was built in 1948 and is approximately 1,104 square feet in size.

**Description:**

The addition will allow for a new primary bedroom that will open to a newly remodeled walk-in closet, hallway and bathroom. The owners are also constructing a second floor dormer addition for additional improvements that are not part of this variance request as the dormer meets the setback requirements.

**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 is severely constrained due to it being a narrow corner lot in the front-to-back (north-south) orientation of the existing home, preventing expansion on either the front or rear of the home. The most practical location to address the existing interior deficiencies and the available open portion of the lot is on the west side/Glendale side. However, the 29.5' average front setback on Glendale Drive is greater than the 25' minimum front setback applied to the side of the home. Applying the Glendale Drive 29'-6" average allows a maximum 4'-4" addition. If the 25' minimum front yard setback were applied it would allow an 8'-9 1/2" addition."

- (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 existing first floor bathroom is severely constrained, with a 24" wide door. The door cannot be enlarged unless the existing bedroom closet is removed. The bathroom needs to be enlarged minimally to allow safe access to the toilet and vanity/sink once the door is widened. This then requires a new closet, pushing further into the existing modest bedroom, leaving it unusable without enlarging the bedroom, thus the need for a modest addition. Extending an addition to the average rear setback does not allow a practical-sized bedroom."

- (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: "Allowing the variance will permit a modest addition that in turn allows the existing first floor bathroom expansion to provide better accessibility and therefore safety, which then requires an extension of the bedroom to provide a closet and a modest sized bedroom. The proposed addition is adjacent to the neighboring property driveway and does not block any view nor present any practical hardship to the neighboring property. The proposed addition massing and design is in keeping with the neighborhood and the roof slopes away from the neighboring property, minimizing the visual impact."

- (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 existing home with the orientation of its rooms in combination with the narrowness of the lot creates the practical difficulty of improving the use of the existing bathroom and bedroom."

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

Applicant response: "The existing first floor bathroom is constrained by its narrow doorway, layout, and small size and does not provide adequate accessibility, particularly needed by a family member with disabilities who visits. The existing bathroom cannot be expanded to the east due to an existing stairway stack to the basement and second floor. Allowing this minimum variance allows an adequately accessible bathroom, a modestly-sized bedroom closet, and a modestly-sized bedroom."

Respectfully submitted,



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**Jon Barrett- Zoning Coordinator**