

DIMENSIONAL VARIANCE REQUEST NARRATIVE
PARCEL A - TURNER AVENUE

The request for a dimensional variance involves four (4) existing substandard lots of record; Plat 18 Lots 490, 489, 486 and 485. Each lot is 50' x 100' / 5,000 sf. All lots are under common ownership. Lot 489, 21 Turner Avenue, is developed with a well maintained single-family residence and is dimensionally non-conforming.

The four (4) non-conforming lots can be legally subdivided to form three (3) conforming lots (i.e., without variances). The subdivision would require the demolition of the existing 100 year old home.

The home can be preserved, if a variance is granted. Preservation provides four (4) public benefits:

1. Environmentally conscientious - no landfill waste and no use of new materials;
2. Preservation of a neighborhood landmark home as expressed by Planning Department staff, Zoning Board of Review members and neighbors;
3. Reduced disruption to the neighborhood caused by demolition; and
4. Prevents hardship to the home's current tenants caused by relocation.

In November of 2019, a 3-lot subdivision - Parcels A, B and C. Parcels B and C required variances for frontage and square footage requirements. The *de minimus* (3%) variance proposal was recommended by the Planning staff and **approved by the Plan Commission**, and would have preserved the existing home. In January of 2020, the Zoning Board of Review denied the variance requests.

CURRENT PROPOSAL IS SUBSTANTIALLY DIFFERENT

The current variance request proposes a 3-lot subdivision - Parcels A, B and C. All 3 lots would conform to frontage and square foot requirements. Parcel A would require a side yard setback variance to allow the existing home to be 4.32' from the property line, whereas 8' is required. The dwelling on Parcel B will be constructed 16' from the existing home on Parcel A; thus, fulfilling the intent of the zoning ordinance to maintain medium density development.

Without this variance, the neighborhood landmark home will be demolished and three (3) new homes will be constructed on the three (3) new conforming lots. The question is whether the City wants to preserve the neighborhood landmark home or not.

Side yard setback request for relief – Section 17.20.120

Required Side yard setback 8'. Proposed 4.32'.

§ 45-24-41. General provisions

(1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16);

These are substandard lots of record, platted prior to the adoption of zoning and have not been altered since. Thus, the lots are unique based on their platted dimension when recorded.

The location of the existing single-family residence is a unique characteristic, which is a hardship in regards to the applicant's ability to comply with zoning.

(2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

The dimensional uniqueness existed prior to the applicant's ownership and the lots have not been altered since platting. The applicant's proposed actions will significantly enhance the lots' dimensional conformance.

(3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based; and

The variance will not alter the general character of the surrounding area, as the side yard setback requirement is intended to provide a minimum of 16' building separation. The proposed construction will achieve 16' separation and will ensure that the intent and purpose of the Zoning Ordinance is not impaired.

The proposed relief requested will be consistent with the Comprehensive Plan. The Comprehensive Plan suggests that the City discourage development proposals, which would result in dislocation of lower income families. This project would not produce homes inconsistent with the market value of the existing homes in the neighborhood; thus, preventing dislocation/displacement. It would allow the existing tenants to remain in the neighborhood landmark home.

(4) That the relief to be granted is the least relief necessary.

The dimensional relief requested is the least relief necessary. A lot of record has been eliminated to make 2 nonconforming lot conforming and the remaining lot with a de minimus dimensional deficiency.

(5) In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit if provided for in the special use permit sections of the zoning ordinance.

Without this relief, applicant would have to demolish a well-maintained neighborhood landmark home and displace the existing tenants, which would amount to more than a mere inconvenience for the applicant, tenant and the neighborhood.