



## Legislation Details (With Text)

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|----------------------|---|----------------------|---|--------------|--|
| <b>File #:</b>       | 23-5324   | <b>Version:</b>      | 1 | <b>Name:</b> | ZBA#23-002: Request for Variances to Section 155.099 (B)(5) of the Code of Ordinances to allow for two accessory structures to exceed the maximum height and area for accessory structures, and to allow a reduction of the minimum setbacks for accessory str |
| <b>Type:</b>         | Zoning Board Request  | <b>Status:</b>       |   |              | Passed   |
| <b>File created:</b> | 4/21/2023   | <b>In control:</b>   |   |              | Zoning Board of Adjustments  |
| <b>On agenda:</b>    | 5/3/2023  | <b>Final action:</b> |   |              | 5/3/2023   |
| <b>Title:</b>        | ZBA#23-002: Request for Variances to Section 155.099 (B)(5) of the Code of Ordinances to allow for two accessory structures to exceed the maximum height and area for accessory structures, and to allow a reduction of the minimum setbacks for accessory structures on property located at 390 Holland Rd. Salvador Guardado, owner |                      |   |              |  |

### Sponsors:

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### Code sections:

**Attachments:** 1. Maps and Supporting Information, 2. Site plan and exhibits, 3. 155.099 Special Conditions (B)(5)(g), (k) and (o)

| Date     | Ver. | Action By                   | Action   | Result |
|----------|------|-----------------------------|----------|--------|
| 5/3/2023 | 1    | Zoning Board of Adjustments | Approved | Pass   |

ZBA#23-002: Request for Variances to Section 155.099 (B)(5) of the Code of Ordinances to allow for two accessory structures to exceed the maximum height and area for accessory structures, and to allow a reduction of the minimum setbacks for accessory structures on property located at 390 Holland Rd. Salvador Guardado, owner

The applicant constructed a new carport and storage building on the property without obtaining building permits. The carport was constructed between the house and an existing detached garage. The new storage building was attached to the existing garage and shares a common wall, bringing both structures out of compliance with the accessory building regulations. There is another existing shed on the property.

The new structures do not comply with the minimum 5-foot setback for any accessory building over 120 square feet from another structure. Additionally, the total square footage of the new and existing buildings exceeds four percent of the lot area. As a result, this request is for variances to the accessory building regulations rather than for a Special Exception.

The new carport is approximately 16 feet in height and approximately 1,680 square feet in area. The new storage shed is approximately 13 feet in height and approximately 627 square feet in area. The existing detached garage that the new storage shed is attached to is approximately 16 feet in height and approximately 1,488 square feet in area. The smaller existing shed is approximately 11 feet in height and approximately 160 square feet in area. The total square footage for all four structures is approximately 3,955 square feet, or 4.74 percent of the lot area.

The necessary variances for these structures are as follows:

1. Area - The maximum area allowed for accessory structures is 2 percent of the lot area, unless a Special Exception is granted for up to 4 percent of the lot area. According to the plat, the lot is approximately 83,375 square feet. The total area of the accessory structures is approximately 3,955 square feet, or 4.74 percent of the lot area. (Section 155.099(B)(5)(g) of the Mansfield Code of Ordinances)
2. Height - The maximum height of an accessory structure is 12 feet, measured from the ground to the top of the building. Three of the four structures exceed 12 feet in height. (Section 155.099(B)(5)(k) of the Mansfield Code of Ordinances)
3. Setbacks - The minimum setback from an accessory building with an area of 120 square feet or more is 5 feet from any other structure. The new carport and new storage shed do not meet this requirement. (Section 155.099(B)(5)(o) of the Mansfield Code of Ordinances)

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 155.113 of the Code of Ordinances, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done

## **Attachments**

Maps and Supporting Information

Site Plan and Exhibits

Provisions of Section 155.099(B)(5)(g), (k) and (o)