



Legislation Text

File #: 21-4098, **Version:** 1

ZBA#21-004: Request for a variance to Section 155.095(C)(2) of the Code of Ordinances to allow a reduction of the minimum lot width from 120 feet to approximately 111.3 feet and to allow a reduction of the minimum 40 foot side yard setback at 905 N Main St.; Michael Duke, owner/applicant

The property owners are seeking to build a single-family residence on the property. The property is bordered by single-family residential zoning on the north and west property lines and along the south property line for approximately 315 feet. The remaining 187 feet of the south property line is adjacent to property zoned C-2, Community Business District with an existing office building.

Prior to issuance of a building permit, the property must be platted. Section 155.095(C)(2) of the Code of Ordinances, "Zoning", requires the following when residential property is platted next to an existing commercial development:

- Section 155.095(C)(2)(a): A minimum 40-foot building setback must be provided along the residential property lines that abut the boundary of the non-residentially zoned property;
- Section 155.095(C)(2)(b): To accommodate the 40-foot building setback along the side property line, the minimum residential lot width must be increased by the difference between 40 feet and the minimum side setback of 10 feet for the PR District (40'-10'=30'). The standard lot width in the PR District is 90 feet, measured at the front building line; therefore, the lot must be at least 120 feet wide. The tract is approximately 111.3 feet in width measured at the front building line.

To accommodate the proposed residence, the applicant is requesting a variance to allow a reduction of the minimum lot width from 120 feet to approximately 111.3 feet and to allow a reduction of the minimum 40-foot side yard setback along the south property line to approximately 25 feet abutting the commercially zoned property.

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 155.095(C)(2)