



Legislation Text

File #: 21-4151, **Version:** 1

ZBA#21-006: Request for a variance to Section 155.055(B)(1) of the Code of Ordinances allow a reduction of the minimum lot width from 90 feet to approximately 88 feet at 909 North St.; Luis Alegria, owner/applicant

The property owners are seeking to build a new single-family residence on the property. The property is bordered by residential lots on the north, south and west sides. Prior to issuance of a building permit for this property, the property must be platted. During the platting process, it was discovered that the width of the property is approximately 88 feet measured at the front building line.

The property is zoned PR, Pre-Development District. By ordinance, lots in the PR District must comply with the same lot dimensions as the SF-12/22 District. SF-12/22 lots must have a minimum lot width of 90 feet at the front building line. Due to the existing residences on the adjacent properties, the applicant's property cannot be widened to meet the minimum lot width. The applicant is requesting a reduction in the minimum lot width by approximately 2 feet.

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 155.055(B)(1)