

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0296R

RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE MINIMUM REQUIRED FRONT YARD SETBACK (STEVE MARSHALL RE: 130 WEST EIGHTH STREET - PROPOSED ADDRESS).

BY COUNCILOR STAUBER:

RESOLVED, that the decision of the board of zoning appeals to deny a request for a variance to reduce the minimum required front yard setback from 25 feet to 15 feet for the construction of a new dwelling is reversed upon the following findings:

(a) Based upon the record presented to the council, the council finds that a hardship exists and that the nature of the demonstrated hardship is:

*[Council to amend this resolution and provide the statement of facts supporting the existence of a hardship.];*

(b) It is necessary for the preservation and enjoyment of a substantial property right and not merely a convenience;

(c) That granting a variance would not impair adequate light and air supply to adjacent properties, nor unreasonably increase traffic or diminish property values in the neighborhood.

RESOLVED FURTHER, that a variance from the Zoning Code is granted as requested by the applicant subject to the following condition:

(a) The recent property boundary survey must be filed with the building permit application.

Approved as to form:

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Attorney

CC REQ/BLDG INSP CH:ek 5/21/2010

STATEMENT OF PURPOSE: This resolution reverses the decision of the board of zoning appeals and allows the construction of a new dwelling at a reduced 15 feet front yard setback. In order to grant a variance the council must identify the hardship that supports the variance.