

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0441R

AS AMENDED

RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY AN APPLICATION FOR A VARIANCE FROM THE MINIMUM REQUIRED SIDE YARD AND AGGREGATE SIDE YARD SETBACKS (DOUG J. BREILAND).

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 side yard setback from six feet to 2.5 feet and the aggregate side yard setback from 14 feet to 12.5 feet for the construction of an attached garage 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:

There is not an alley, the lot is steep and times have changed so a one car garage is now a necessity ~~{Council to amend this resolution and provide the statement of facts supporting the existence of a hardship.}~~; and

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

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

CCREQ/BLDG SFTY CH:ek 8/17/2010

STATEMENT OF PURPOSE: This resolution reverses the decision of the board of zoning appeals and allows the construction of an addition to an existing attached garage at a reduced 2.5 foot side yard setback and a reduced 12.5 foot aggregate side yard setback. In order to grant a variance the council must identify the hardship that supports the variance.