



Hardy Variance – Detached Structure

Resolution 08-2019

June 20, 2019

Karl Onsager Planner I

Requested Board Of Adjustment Action

- Approval of a variance for 5521 S. Nevada St.
 - a variance to the driveway requirement for an accessory detached garage from 20 feet to 10 feet
- Denial of a variance for 5521 S. Nevada St.
 - 1) a variance to requirements for the maximum number of principal structures to allow two single-family detached principal structures on a single lot of record; 2) a variance to the rear yard setback requirement from 20 feet to eight feet; and 3) a variance to the south side yard setback requirement from ten feet to four feet.

Overview

- Application Details
- Review Criteria & Analysis
- Recommendation
- Board Action

Application Details

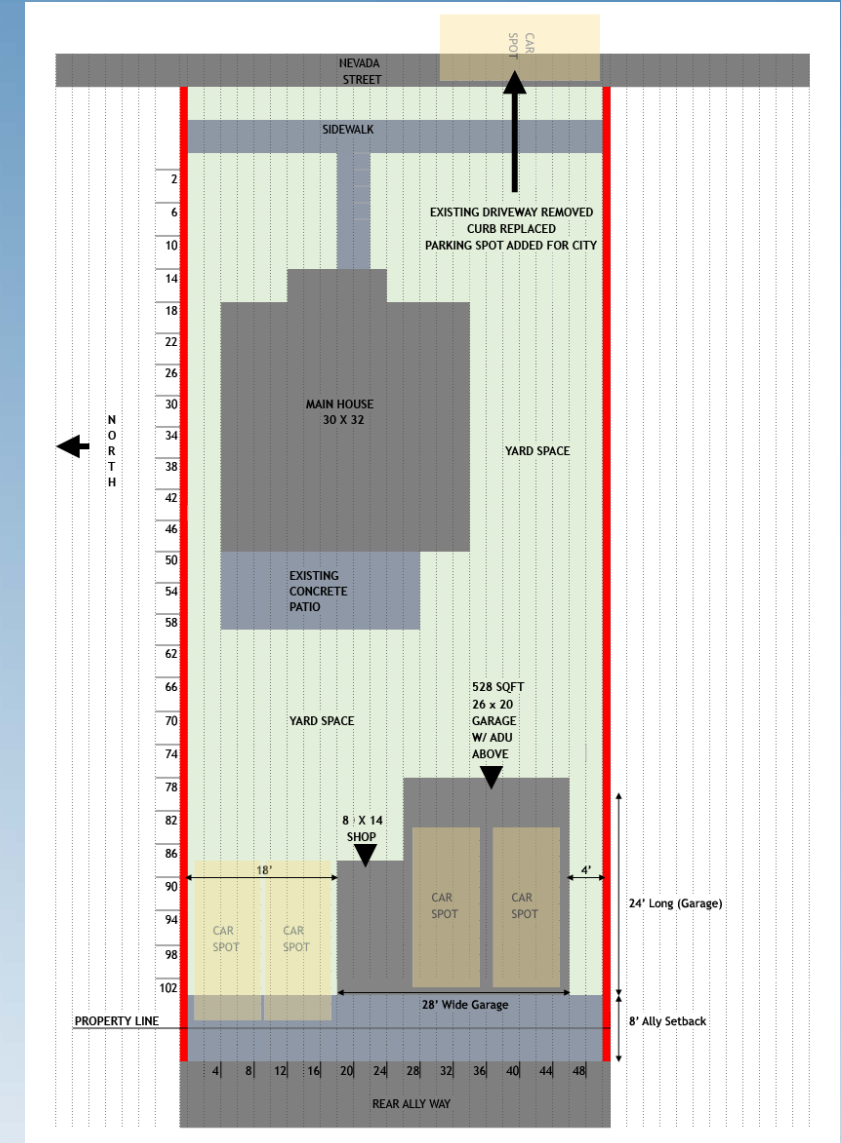
- 5521 S. Nevada St.
- Applicant is requesting to build a detached garage with a single-family dwelling over the garage (e.i. a carriage house or ADU) and reduction to related setbacks.
- Alternatively, the applicant requests a reduction in driveway requirements to a new accessory detached garage without the dwelling unit.



Application Details - Illustrative Site Plan



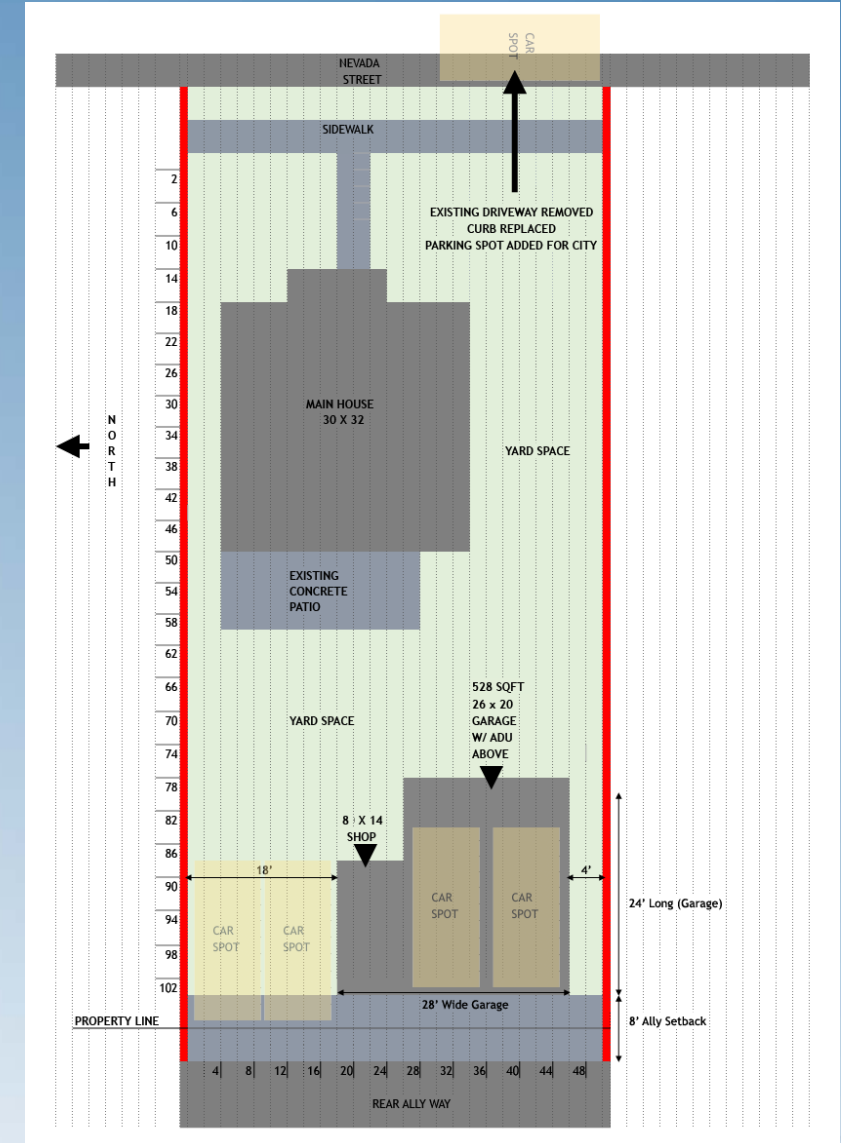
Proposed view from the north-west



Application Details - Illustrative Site Plan



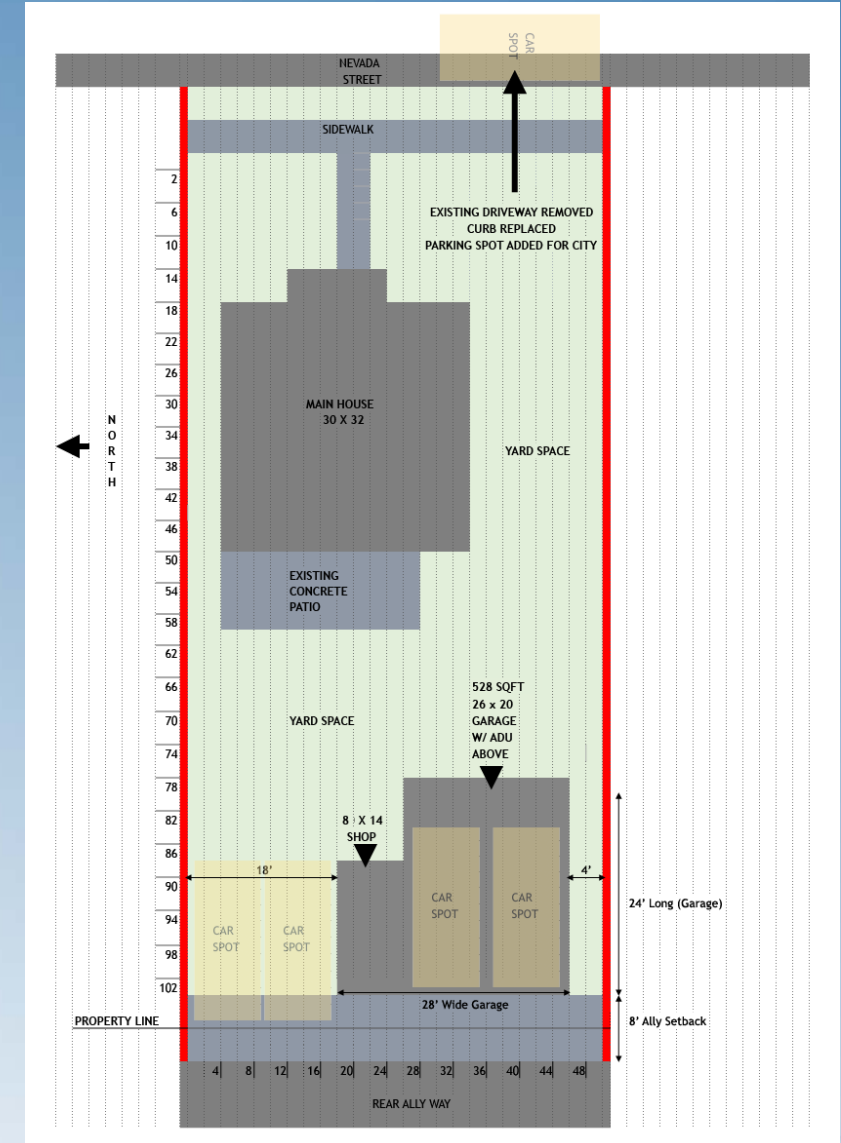
Proposed view from the north



Application Details - Illustrative Site Plan



Proposed view from the west/alley



Criteria Review 10-11-1 (B)

1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located;

- **Single-family detached uses are allowed in the zoning district.**
- **The existing principal, residential use will remain.**

Criteria Review 10-11-1 (B)

2. That the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property;

- **Carriage houses may have implications for community character that would be better addressed by a citywide change.**
- **Carriage houses may be appropriate in the downtown area or other areas of the city.**
- **Alternatively, an accessory detached garage 10 feet from the alley would not alter the essential character.**

Criteria Review 10-11-1 (B)

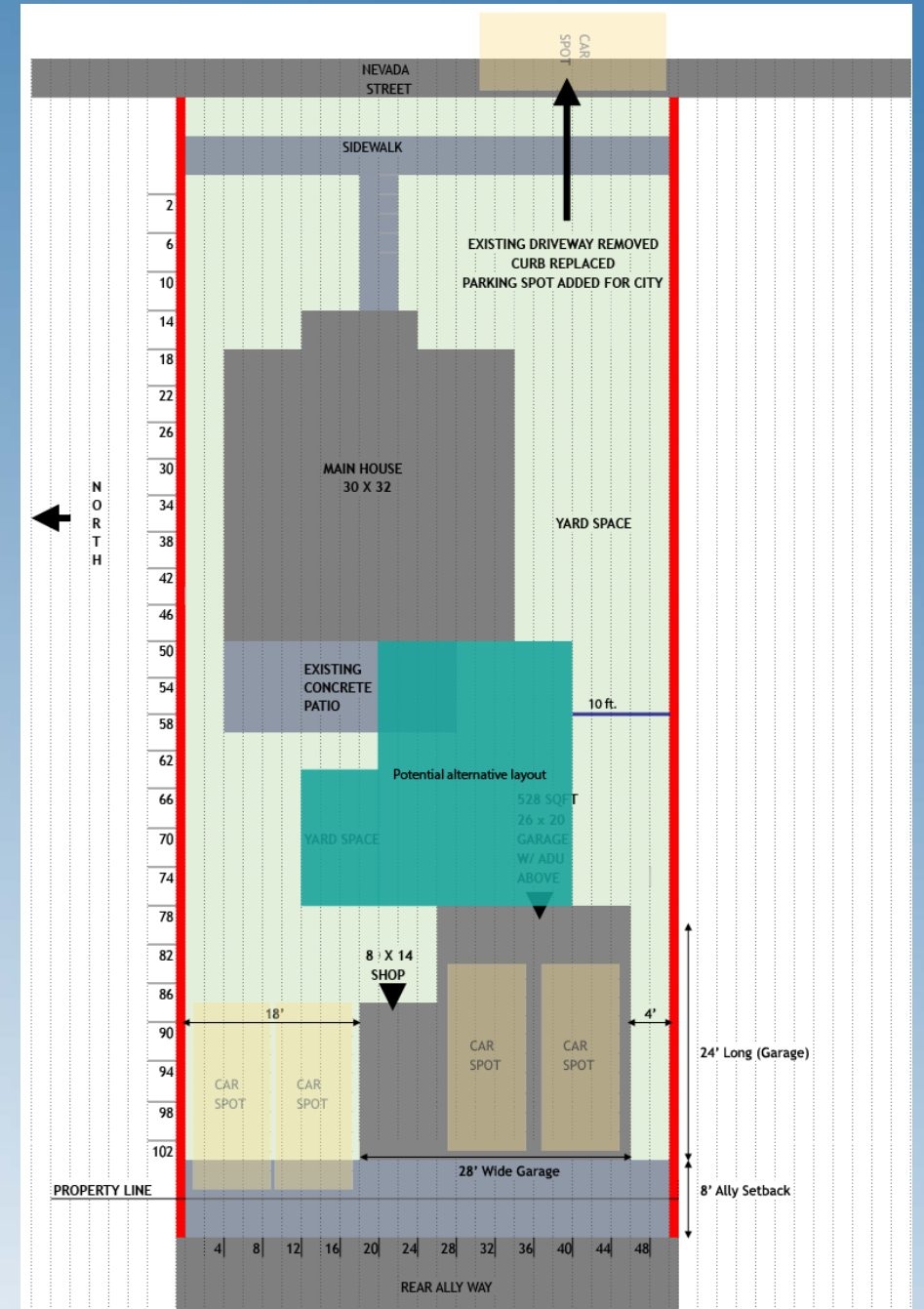
Garages
adjacent
to alley



Criteria Review 10-11-1 (B)

3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question;

- **Alternatives for attaching the dwelling unit may exist.**
- **Alternatively, the size and shape of lot warrants some reduction in 20 foot driveway requirement.**



Criteria Review 10-11-1 (B)

4. That the variance will not adversely affect the public health, safety and welfare;

- **Building codes may reasonably assure the safety of the proposed carriage house and surrounding structures.**
- **There is adequate turning and access into garage at ten feet or eight feet.**

Criteria Review 10-11-1 (B)

5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code.

- **The property may reasonably be developed with the addition of a second dwelling unit as an addition to the existing home with no need for variances to the number of structures or setbacks.**
- **Alternatively, the lot size and configuration limits placement of the garage to meet the 20 ft. driveway requirement and was not created by the applicant.**

Review Criteria & Analysis (Exhibit A)

Maximum number of principal structures

- 10-11-1(B)

1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located; ☒
2. That the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property; ☐
3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question; ☐
4. That the variance will not adversely affect the public health, safety and welfare; ☒
5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code. ☐

Review Criteria & Analysis (Exhibit B)

Accessory Detached Garage Without Dwelling Unit

- 10-11-1(B)

1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located; ☒
2. That the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property; ☒
3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question; ☒
4. That the variance will not adversely affect the public health, safety and welfare; ☒
5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code. ☒

Recommendation

Staff finds that the request for reduction of the driveway requirement for a accessory detached garage to ten feet meets the criteria for approval. Therefore, staff recommends **approval** of BOA Resolution 08-2019 with Exhibit B.

Board of Adjustment Action

Exhibit A: Three related variances: 1) a variance to requirements for the maximum number of principal structures to allow two single-family detached principal structures on a single lot of record; 2) a variance to the rear yard setback requirement from 20 feet to eight feet; and 3) a variance to the south side yard setback requirement from ten feet to four feet.

Exhibit B: A variance to the driveway requirement for an accessory detached garage from 20 feet to 10 feet.

Options:

- Approval of Resolution 08-2019 with Exhibit A OR Exhibit B
- Approval with conditions
- Denial
- Continue to a Date Certain