

# Board of Zoning Appeals

November 21, 2018

7:00 PM

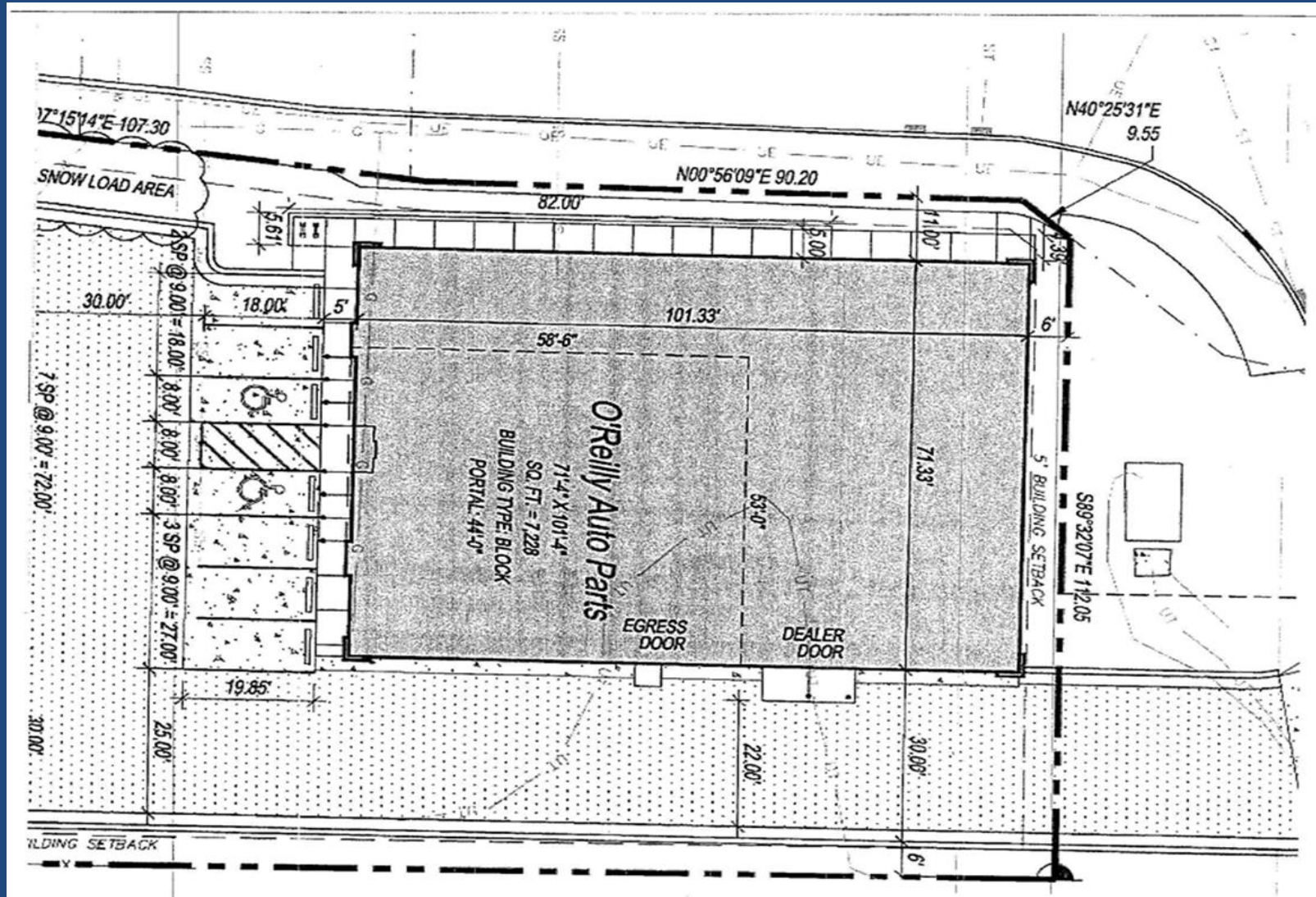
# Requirements for granting a variance

- Unnecessary Hardship
- Hardship Due to Unique Property Limitations
- No Harm to Public Interests
  - To qualify for a variance, an applicant must demonstrate that all three criteria are met.

# 710 George St.

- The owner is proposing to raze the existing retail store and build a new retail store which will not meet the minimum requirement for fill around the perimeter of a building in the floodplain.
- Municipal code section 115-281(a)(1) states that the elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 15-281(3)(a)(2) can be met. **The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.**
- For this project to proceed as proposed the board would have to grant 2 variances of nine feet (9) on the north side and four feet (4) on the west side to the fifteen foot (15) requirement of elevated fill beyond the limits of the structure.

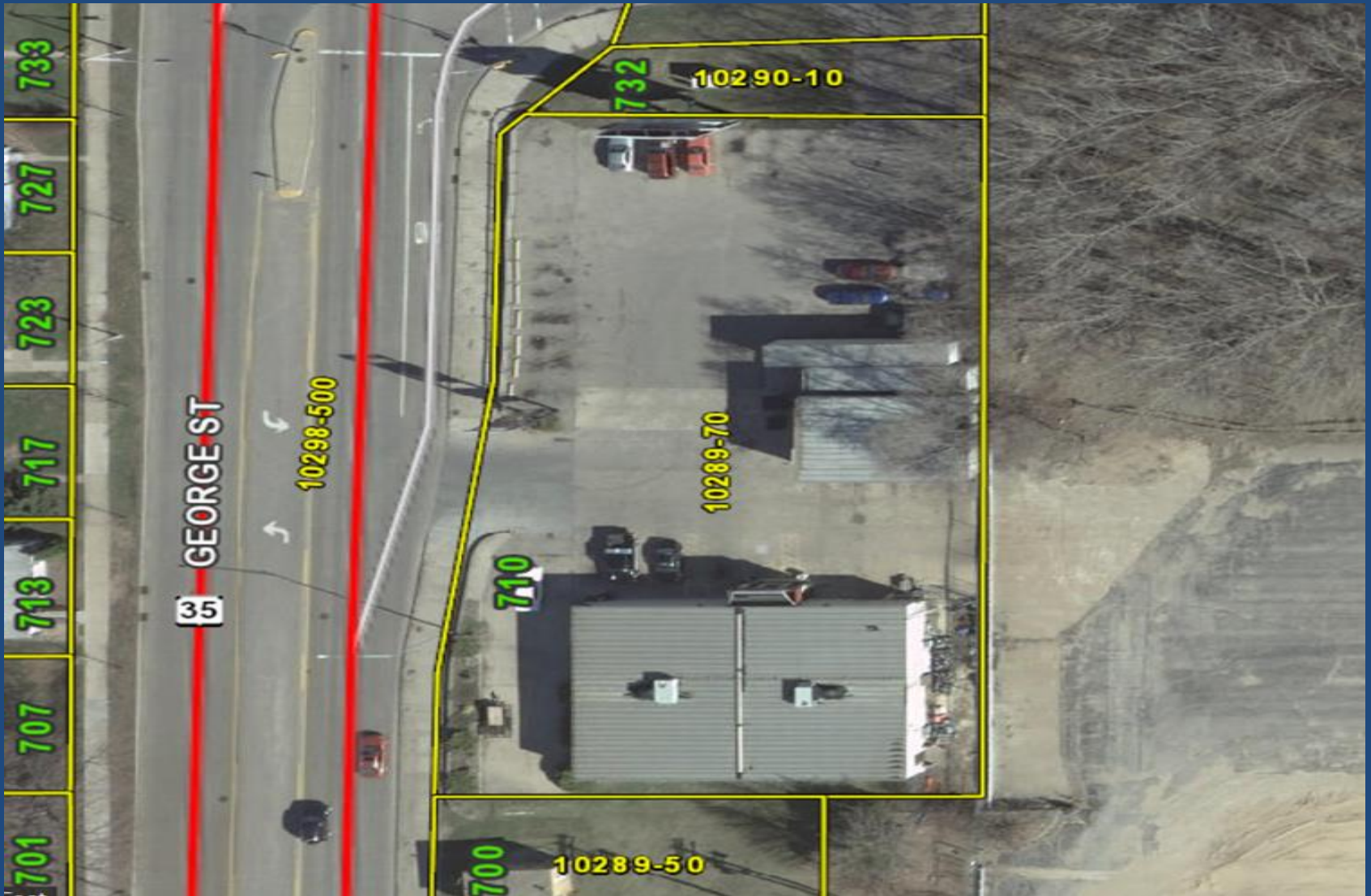
# 710 George St.



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# 710 George St.



# 710 George St.



# Requirements for granting a variance

- Unnecessary Hardship
- Hardship Due to Unique Property Limitations
- No Harm to Public Interests

Appears that all three have been met.

This variance has also been granted previously.



# 2118 19<sup>th</sup> St. S.

- The owner has applied for a permit for an all ready constructed front entry deck at this address .
- Municipal Code 115-143 states that on every lot in the Residence District there shall be a front yard having a depth of not less than 25 feet.
- The deck was constructed with a front yard depth of 18 feet.
- A variance of 7 feet will need to be granted for this deck to remain as it has been built.

# 2118 19<sup>th</sup> St. S.





2118 19<sup>th</sup> St. S.





# 2118 19<sup>th</sup> St. S.



# Requirements for granting a variance

- Unnecessary Hardship

- An unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.
  - The property can still be used as a single family dwelling if the variance is not granted.
- No self-imposed hardship.
  - This was a self created hardship do to the fact that the deck was built without a permit.
- Financial hardship not a deciding factor
- Accessory structures not eligible.



# Requirements for granting a variance

- Hardship Due to Unique Property Limitations
  - Unnecessary hardship must be due to unique limitations of the property i.e., physical features of the property prevent compliance with the ordinance. (steep slopes, wetlands, etc.)
  - This lot does not have a unique property limitation as the lots in the area are the same size with approximately the same setbacks.

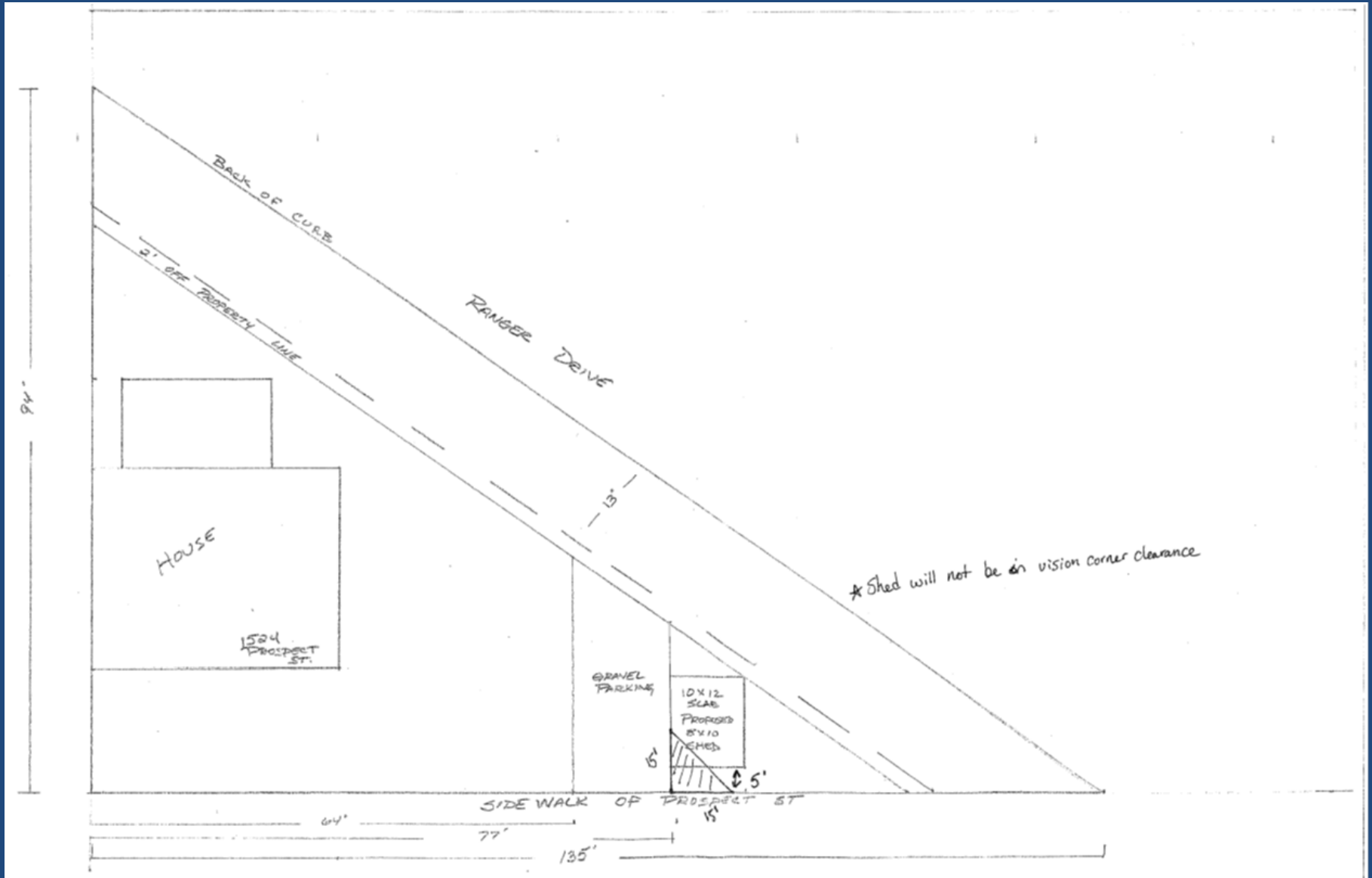
# Requirements for granting a variance

- No Harm to Public Interests
  - A variance may not be granted which results in harm to public interests.
  - There would be no harm to the public interest if this variance was granted.

# 1524 Prospect St.

- The owner has applied for a permit to construct a 8 x10 storage shed at this address.
- Municipal code section 115-390 (2) (c) states that detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirements of this code.
- The owner proposes to place the shed in the front yard of this parcel.
- A variance allowing a shed to be placed in the front yard will be required for this project to proceed as it has been proposed.

# 1524 Prospect St.



# 1524 Prospect St.





# 1524 Prospect St.



# 1524 Prospect St.

- As you can see in the previous pictures, there was a shed on the property not located in the front yard setback.

# Requirements for granting a variance

- Unnecessary Hardship

- An unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.
  - The property can still be used as a single family dwelling if the variance is not granted.
- No self-imposed hardship.
- Financial hardship not a deciding factor
- Accessory structures not eligible.
  - This is an accessory structure.

# Requirements for granting a variance

- Hardship Due to Unique Property Limitations
  - Unnecessary hardship must be due to unique limitations of the property i.e., physical features of the property prevent compliance with the ordinance. (steep slopes, wetlands, etc.)
  - This lot may be uniquely shaped but there are other areas on the lot that the shed could be placed that would meet code requirements.

# Requirements for granting a variance

- No Harm to Public Interests
  - A variance may not be granted which results in harm to public interests.
  - There would be no harm to the public interest if this variance was granted.