

ZONING BOARD OF APPEALS

AGENDA

Regular Meeting
April 12, 2001

Appeal 2331 :

--- 210 Peterson Street

--- Petitioner: Don Smith, contractor

--- Zone: NCM

--- Section 4.7(D)(1)

--- The variance would reduce the required lot area for 210 Peterson Street from 5000 square feet to 4435 square feet. The variance is requested in order to allow the construction of an 800 square foot alley houses behind 208 Peterson Street. This appeal, together with appeal 2332, would allow 2 alley houses to be constructed behind 208 and 214 Peterson Street, rather than the one duplex that would be allowed without a variance.

--- There is enough lot area to construct a duplex without the need for a variance. The Applicant originally submitted a development request for a duplex. However, after consideration by the Landmark Preservation Commission (LPC) with input from the neighbors, it was decided that two small detached single-family homes would be more compatible with the neighborhood. Thus, since the current proposed does not increase the density beyond what would be allowed without a variance, the Applicant believes that the variance would result in development that is equal to or better than that which might otherwise occur.

--- Staff comments: The petitioner is seeking a variance based on the "equal to or better than" standard, instead of the hardship standard. Therefore the Board must find that the proposal will "advance or protect the public interests and purposes of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested". A proposal which complies with the standard would be one that combines the two proposed lots into one larger lot and proposes one duplex instead of 2 single-family homes.

If the Board is inclined to grant the variance, specific findings must be stated as to how the proposal satisfies the "equal to or better than" standard. For instance the Board may find that the variance for the lot area reductions:

- 1) Would not be detrimental to the public good, and
- 2) The variance advances and protects the public interests and purposes of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested because:

- The overall purpose of the standard is to limit the density of development

on a lot and to ensure that there is adequate open space for the use and enjoyment of the occupants. Without a variance, the square footage of the land at the rear of 208 and 214 Peterson is large enough to allow 2 dwelling units in the form of a duplex, and the square footage of the duplex could be greater than the square footage of the home(s) that are being proposed. Therefore, the 2 proposed homes do not increase the density beyond what is allowed and the size of the two homes is minimal, thereby preserving approximately the same amount of open space that would be found with a duplex.

- The proposed rear homes will be subordinate in size and height to the existing front homes, whereas a single duplex building would be larger than the front homes.
- The Landmark Preservation Commission and City staff believe that a duplex structure would be out of character with the nearby designated properties, and would adversely impact the historical significance of the National Register District. The proposed "alley house" design of two single-family homes will preserve the historic attributes of the nearby properties and will protect the special character of this neighborhood better than a duplex would.

If the Board determines that the variance requested does not "advance or protect the public interests and purposes of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested", then the variance should not be approved.

Appeal 2332:

--- 212 Peterson Street

--- Petitioner: Don Smith, contractor

--- Zone: NCM

--- Section 4.7(D)(1)

--- The variance would reduce the required lot area for 212 Peterson Street from 5000 square feet to 4500 square feet. The variance is requested in order to allow the construction of an 800 square feet alley houses behind 214 Peterson Street. This appeal, together with appeal 2331, would allow 2 alley houses to be constructed behind 208 and 214 Peterson Street, rather than the one duplex that would be allowed without a variance.

--- There is enough lot area to construct a duplex without the need for a variance. The Applicant originally submitted a development request for a duplex. However, after consideration by the Landmark Preservation Commission (LPC) with input from the neighbors, it was decided that two small detached single-family homes would be more compatible with the neighborhood. Thus, since the current proposed does not increase the density beyond what would be allowed without a variance, the Applicant believes that the variance would result in development that is equal to or better than that which might otherwise occur.

--- Staff comments: See comments for Appeal 2331.

Appeal 2333:

--- 1124 Woodford Avenue

--- Petitioner: Kendra Melson and Brenda Van Dyke, owners

--- Zone: NCL

--- Section 3.8.3(1)

--- The variance would allow a home occupation to be conducted in a detached building on the lot, instead of within the home. Specifically, the variance would allow a massage therapy business to be conducted in the existing 10' x 20' former detached garage.

--- The home is a small, two-bedroom home, with no extra space in the house which can be occupied by the business. There is no attached garage on this lot. If the garage were attached, a variance would not be required.

--- Staff comments: This is a common request in the older neighborhoods, wherein many homes were constructed without an attached garage