



ZBOA Agenda Item # 6

JUNE 6, 2017

Variance Request by Kenneth & Deborah Anderson File #: APP-2017-03

Kenneth and Deborah Anderson are requesting a Variance to LDR Section 214-1, Table 2, as it pertains to the front yard setbacks in an M-1 district. The subject property is located at 1306 Cypress Street. The parcel consists of 0.16 acres, containing (at the time of this writing) a house damaged by fire. The applicants have a demolition permit to remove the structure. It is zoned M-1, Wholesale/Light Industrial District. The applicant is proposing to demolish the existing damaged house and replace it with a house of the same size (40'x28'). M-1 zoning districts have a front yard setback of 40 feet. The applicants are proposing a front yard setback of 9 feet, therefore requesting a variance of 31 feet. (Single-family houses are not allowed in M-1 zoning. This variance application is running concurrently with a PELUC application to allow the house in an industrial zoning district.)

Section 214-1, Table 2 of the LDR requires a front yard setback of 40 feet. The applicant wants to build the house back in the same location as the damaged house, which complies with all setbacks except for the front yard setback. (The applicant is leaving the pillars and floor until a decision is made by ZBOA but would like to pour a new slab.) Not only did the damaged house sit closer than 40 feet to the front property line (at 9 feet), but residentially zoned properties generally afford less restrictive front yard setbacks than do industrially zoned districts. For houses without garages, the front yard setbacks range from 15 feet to 35 feet depending on zoning district.

Variations are intended to give relief in situations beyond design's control, such as a topographical challenge like a gully. The situation is created by the current zoning of the property, and by the setback requirements of that particular M-1 zoning district for a use that is much less intense (a single-family residence) than the industrial-type uses that require more intensive setbacks. The house existed prior to zoning, and became nonconforming when the M-1 zoning was placed on the property. It was not an issue until the house burned beyond use, necessitating its demolition and therefore the PELUC and Variance. Staff understands the situation and recommends approval of the request, so long as it is for the replacement single-family residence only. Such a Variance approval should not be applicable to any future redevelopment of this property for M-1 type uses.

Staff Recommendation: Find consistent with the Variance Review Criteria and **approve** the request for replacement of the single-family residence only.