



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

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Meeting Date: February 9, 2026

BZA 26-01 **765 Tibbals Street – Variance Request to Exceed the Maximum Allowable Size for Accessory Storage Structures**

Property Information: Location: 765 Tibbals Street
Zoning: TN-2 Transitional Mixed Use District
Property Use: Single Family Dwelling
New Storage Structure Size: 308 square feet
New Storage Structure Height: 11 feet

Variance Request: The applicant, Ron Heitfield, is requesting a variance from the following section of the City’s Unified Development Ordinance (UDO):

Section 1107.11(w)(1)(D): The cumulative size of the storage structures shall not exceed 20 percent of the footprint of the square footage of the principal building. For lots over two acres, the cumulative size of the storage structures shall not exceed the square footage of the footprint of the principal building.

Comments: The proposed size of the storage structure is 308 square feet and there is an existing 120 square foot storage structure on the property. A maximum size of 262 square feet is permitted (variance for 166 square feet).

Project Overview:

The applicant, Ron Heitfield is requesting a variance to exceed the maximum allowable size for accessory storage structures for the property located at 765 Tibbals Street in the TN-2 Transitional Mixed Use District.

The proposed variance stems from the applicant's removal of the existing 640 square foot storage structure and replacement with a new 308 square foot storage structure on the same foundation. The applicant stated that the existing storage structure was dilapidated, overgrown, and dangerous which necessitated the replacement. The new storage structure meets all requirements except for the total size.

In addition to the new storage structure, there is an additional storage structure that serves the property which is approximately 120 square feet. Accounting for this additional structure a variance of 166 square feet would be required.

Comments:

Variance General Standards for Approval:

Standards for Approval: Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variances shall only be granted if the Appeals Board finds that all of the following standards are met:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.).
The property involved is larger than others in the TN-2 District as it encompasses two lots.
2. The special conditions or circumstances that exist did not result from the actions of the applicant.
The special conditions did not result from the actions of the applicant.
3. There cannot be any beneficial use of the property without the variance.
The property cannot be put to a beneficial use without the requested variance. Absent the variance, the applicant would still be permitted to maintain storage structures that comply with the maximum size limitation; however, overall storage capacity would be significantly reduced. The historic storage structure measured 640 square feet, whereas the two existing structures combined total only 408 square feet.

4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.
The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land.
5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.
A variance is the minimum relief necessary to allow for the storage structures to exceed the maximum size requirement.
6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance.
The essential character of the neighborhood will not be substantially impacted.
7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.
Governmental services will not be impacted.
8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.
Granting the variance will be in harmony with the general purpose and intent of the zoning requirement.
9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.
Granting the variance will not allow a special privilege to be conferred upon the applicant.