



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

From: Elizabeth Fields, AICP, Planner
Keeghan Stitt-White, AICP, Planner

Meeting Date: June 8, 2026

BZA 26-07 820 Abney Lane – Variance Request Regarding the Rear Yard Setback

Property Information: Location: 212 W. 8th Street
 Zoning: R-3 Central Residential District
 Property Use: Single Family Dwelling

Variance Request: The applicant, Jonathan Mast, is requesting a variance from Table 1107.14-1 of the City’s Unified Development Ordinance (UDO):

	R-1A	R-1B	R-2	R-3	R-4
Minimum Lot Area	15,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.
Minimum Lot Frontage	100 feet	80 feet	60 feet	40 feet	100 feet
Minimum Front Yard Setback	25 feet	25 feet	25 feet	15 feet	25 feet
Minimum Side Yard Setback (one side/total)	10/25 feet	10/25 feet	6/15 feet	4/10 feet	10/25 feet
Minimum Rear Yard Setback	40 feet	40 feet	30 feet	20 feet	40 feet
Minimum Floor Area	1,800 sq. ft.	1,500 sq. ft.	1,000 sq. ft.	800 sq. ft.	800 sq. ft.
Minimum Parking Lot/Driveway Setback ¹	3 feet from side property line	3 feet from side property line	3 feet from side property line	3 feet from side property line	20 feet - front P/L 10 feet - side P/L 10 feet - rear P/L
Maximum Height	35 feet	35 feet	35 feet	35 feet	55 feet
Maximum Accessory Structure Height	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19
Maximum Impervious Coverage	40%	40%	50%	70%	70%

Comments: The proposed rear yard setback is two feet (variance request of 18 feet).

Project Overview:

The applicant, Jonathan Mast, is requesting a variance from the rear yard setback requirement in order to reconstruct a single-family dwelling on the existing foundation at 820 Abney Lane, located within the R-3 Central Residential District.

The subject property consists of a pre-existing nonconforming lot that currently contains a single-family dwelling. The applicant proposes to demolish the existing structure and construct a new single-family residence utilizing the existing foundation. The existing foundation does not comply with the required side yard setback for the R-3 District.

According to the applicant, a preliminary evaluation by a structural engineer indicates that the existing foundation meets applicable building code requirements and is suitable for reuse. The applicant further states that complete removal of the foundation and relocation of the dwelling would create significant additional costs, reduce the overall living area of the home, and negatively impact the functionality of the existing driveway configuration.

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 subject property is exceptionally shallow compared to other lots within the R-3 District which limits the buildable area.

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.

Without the variance, the beneficial use of the property would be limited, as compliance with the setback requirements would require removal and reconstruction of the existing foundation, potentially reducing the feasibility of redeveloping the property.

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 for the rear yard setback is substantial, however, it 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.
The requested variance represents the minimum relief necessary to allow for the use of the existing foundation.
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.
The requested variance is consistent with the purpose and intent of the zoning regulations, as it maintains the existing built form of the lot while improving the quality of the single-family dwelling. The variance will not be detrimental to the public health, safety, or welfare.
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 would not confer a special privilege to be conferred upon the applicant.