

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 02/04/2025	Budgeted Amount: NONE
Department: Administration	Prepared By: Corinne Tilley

Subject

Consideration and possible action on a request for a side yard setback variance for a proposed new accessory structure (garage) on the property located at 914 College Street.

Recommendation

Staff recommends approval of the (5'-7') side yard setback variance for the proposed construction of a new accessory structure (detached 2-car-garage) 22'x30', subject to the following conditions:

1. Appropriate building and trade permits must be approved and issued prior to the commencement of any work.
2. Submit a fully dimensioned certified survey of the exact location of the proposed new accessory structure when presenting the request for variance to the City Council.
3. Obtain final approval of the side yard setback variance from the City Council.

Discussion

914 College Street is located in the Residential Zoning District and the Historic Preservation District.

Residential district setback regulations:

- 25' front yard – proposed > 25'
- 10' side yard – proposed between 5' to 7'
- 10' rear yard – proposed > 10'

The property owner proposes the construction of a new accessory structure (detached 2-car garage) that is 22' wide and 30' deep. The proposed side yard setback will be approximately 5'-7' from the property line. Upon your review and recommendation, the property owner will purchase a new certified survey showing the proposed location for the structure with exact measurements.

In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

1. The literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
This finding is met. An unnecessary hardship and practical difficulty is created due to the narrow width of the property and the construction constraints of attaching the accessory structure to the principal structure. The proposed placement of the detached garage near the principal structure is essential for maintaining the functional use of the property. Strict adherence to the setback requirements would significantly limit the available space for the garage, potentially rendering it unusable or requiring extensive and costly modifications to the existing layout.
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
This finding is met. The hardship is not self-created, as it arises from the specific physical characteristics of the property, the width, which is beyond the control of the property owner. Granting the variance will allow for a reasonable and customary improvement that is consistent with other properties in the area, ensuring that the property can be developed in a manner that is both practical and equitable.

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3. That the relief sought will not injure the permitted use of adjacent conforming property.
This finding is met. The proposed variance maintains adequate separation between structures, ensuring sufficient light, air circulation, and privacy for neighboring properties. The design and placement of the detached garage are consistent with the character of the neighborhood, minimizing any potential visual or functional impact on adjacent properties.
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
This finding is met. The variance allows for a reasonable use of the property that aligns with the intended residential nature of the area,
5. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.
This finding is met. Although the property is currently being used as a single-family dwelling in a residential zoning district and meets the requirements of the zoning district, the requested variance to build a new detached garage at the proposed setback is a desired enhancement by the property owner. This variance allows for the addition of a feature that enhances the property's functionality and aesthetic appeal, providing the owner with the convenience and benefits of a detached garage without compromising the overall integrity and character of the neighborhood. The reasons mentioned above indicate that this enhancement does not constitute a financial hardship (alone) in requesting the variance.

Note: The plans in this packet have not been reviewed by the City Building Official.

Approved By		
City Secretary & Director of Administrative Services	Ruby Beaven	Date: 01/31/2025
Interim City Administrator & Police Chief	Anthony Solomon	Date: 01/31/2025