

Board of Adjustment  
June 28, 2023  
BOA-2223-20

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Hollen Properties, L.L.C.
<b>LOCATION</b>	925 Chautauqua
<b>ZONING</b>	R-2, Two Family Dwelling District
<b>REQUESTED ACTION</b>	Variance of 4' to the 5' side (north) setback for construction of a new garage
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The applicant is requesting a Variance of 4' to the 5' side setback (north edge of the lot) to allow for construction of a new garage structure.

The application, site plan, and the Existing Variance Conditions form are attached for your review.

**VARIANCE CRITERIA PER SECTION 570(k):**

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
  - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
  - (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - (c) That the special conditions and circumstances do not result from the actions of the applicant;
  - (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings

in other districts shall be considered grounds for the issuance of a variance.

**The applicant provided responses to the four variance criteria. Please see the attached Existing Variance Conditions form and related information.**

**DISCUSSION:** The applicant is requesting a 4' variance to allow the new detached garage to be located in a similar location as a previous detached garage. The existing driveway lines up with the proposed location. It is common for detached garages and driveways to be located 1' from the property line in this older area of town.

**CONCLUSION:** Staff forwards this request for a variance to the side setback and BOA-2223-20 to the Board of Adjustment for consideration.