

Board of Adjustment  
January 24, 2024  
BOA-2324-9

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Sheridan Homes, L.L.C.
<b>LOCATION</b>	3608 Havenbrook Street
<b>ZONING</b>	RM-6, Medium Density Apartment District
<b>REQUESTED ACTION</b>	Variance to 36-519(d)(4)(a) for a lot smaller than 5,000 sq. ft.; Variance 36-519(d)(1) of 5' to the 25' front yard setback; Variance to 36-519(d)(3) of 10' to the 20' rear yard setback; Variance to 36-519(d)(2) of 5' to the required 5' east side setback; Variance to 36-519(d)(4)(b) of 11% to the 40% building coverage
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The applicant is developing this property by adding a new single-family residential building. The applicant is requesting several variances to the current RM-6, Medium-Density Apartment District, zoning. Because of the nature of the lot the applicant is requesting five variances:

1. A variance to the 5,000 sq. ft. lot minimum; the subject lot is 4,545 sq. ft.
2. A variance to reduce the minimum front setback of 25' by 5' (20').
3. A variance to reduce the minimum rear setback of 20' by 10' (10').
4. A variance to reduce the minimum eastside setback of 5' by 5' (0').
5. A variance to increase the maximum building coverage 40% by 11% (51%).

The application, site plan, and the variance justification 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.

**DISCUSSION:** The surrounding properties are developed with site plans similar to the one proposed by the applicant, due to Ordinance No. O-8081-52, approved as Permissive Use for a Planned Unit Development in 1981, and Ordinance No. O-9697-57, approved as a site plan amendment in 1997. These ordinances included flexible setbacks, percentages of building coverage, and minimum lot sizes. The subject property was not included in those ordinances. Instead, it was included in Ordinance No. O-8182-60, approved in 1982, which authorized the subject property a permissive use for a parking lot. Because of that, the property is zoned RM-6 only with no amendments altering area regulations. Ordinance No. O-9697-57, approved in 1997, amended Ordinance No. O-8081-52 to modify setbacks for Lots 128-133 to provide continuity. Lot 134 was not included as it was still owned by the office building and still speculated to be used for parking. The applicant wishes to replicate the design of the surrounding properties. The proposed plan will allow the applicant to build to the east property line next to an adjacent parking lot. A buffer of 5.5' is between the east property line and the parking spaces. The property will still be under the 65% impervious coverage limit.

**CONCLUSION:**

Staff forwards this request for BOA-2324-9 to the Board of Adjustment for consideration.