

Board of Adjustment
April 26, 2023
BOA-2223-15

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Hillel Foundation
LOCATION	494 Elm Avenue
ZONING	R-3, Multi-Family Dwelling District
REQUESTED ACTION	Variance to 36-520(c)(7), the maximum impervious area requirement of 65%
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant plans to redevelop this property with a new building for the Hillel Foundation. The proposed plan includes an impervious area of 76%. The maximum percentage of impervious area in the R-3, Multifamily Dwelling District, is 65%. The applicant is requesting a variance of 11%.

The application and the existing and proposed site plans 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 sheet to review their response.

DISCUSSION: The existing structure on this property was built in 1951, prior to the adoption of the zoning ordinance. The Hillel Foundation would like to demolish the existing structure and rebuild in a similar location and footprint. The current impervious area is 84%. The proposed development is going to lower this percentage to 76%.

CONCLUSION: Staff forwards this request for BOA-2223-15 to the Board of Adjustment for consideration.