

Board of Adjustment
April 26, 2023
BOA-2223-12

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Howard Pollack
LOCATION	125 W. Himes Street
ZONING	R-2, Two-Family Dwelling District
REQUESTED ACTION	Variance to 36-516(c)(4), minimum lot width of 50 ft., and Variance to 36-516(c)(5)(a), minimum lot area 5,000 sq. ft. for a legal, non-conforming lot
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant plans to replace the existing building with a new 1,125 sq. ft. house. Because this is a non-conforming lot, the applicant is requesting two variances:

1. A variance of 12.5' under the required 50' lot width, 25% variance.
2. A variance of 125 sq. ft. under the required 5,000 sq. ft., 2.5% variance.

The application and the site plan are attached for your review.

VARIANCE CRITERIA PER SECTION 36-570(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: This subdivision was platted in 1902 and developed in 1935, prior to Norman's Zoning Ordinance adoption in 1954. The lot width and area vary within the same block, where all the lots are developed. Other than the two variances requested with this application, the proposed building complies with the current zoning requirements.

CONCLUSION: Staff forwards this request for BOA-2223-12 to the Board of Adjustment for consideration.