

Z25-17
North Broadway Street Rear Addition

Property Owner: Ross Romine
Applicant: Ross Romine
Location: 823 North Broadway Street
Zoning: R-3 (High Density Urban Residential)
Request: Area Variance to Section 1125.05 to allow an addition within the rear yard setback

LOCATION AND SURROUNDING USES

The subject site is composed of 0.3 acres on the west side of North Broadway Street. Adjacent properties contain the following uses and zoning:

- North – Single-Family Residential (R-3)
- East – Single and Multi-Family Residential (R-3)
- South – Single-Family Residential (R-3)
- West – Retail and Office (C-3)



BACKGROUND & PROPOSED APPLICATION

The subject property contains a single-family home situated in the rear of the property with an elevated rear deck. The applicant is proposing to remove the existing deck and construct a 280 sq. ft. (14 ft. x 20 ft.) three-season room and a 140 sq. ft. (14 ft. x 10 ft.) deck on the rear of the home.

REAR YARD SETBACK (SECTION 1125.05)

Section 1121.05 includes a table of R-3 District lot development standards which requires a minimum rear yard setback of 30 ft. for principal structures. Section 1113.05(k)(3) allows unenclosed decks to project 10 ft. into the rear yard setback.

The proposed three-season room and deck are located at a 25 ft. rear yard setback. The three-season room does not meet the 30 ft. rear yard setback requirement. The unenclosed deck has an effective rear setback of 20 ft. and meets the applicable rear yard setback requirement.

STANDARDS FOR VARIANCES AND APPEALS (SECTION 1107.08(i))

Factors applicable to area or size-type variances ("practical difficulty"). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a practical difficulty exists and an area or size-type variance should be granted:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The applicant has indicated the following regarding the Standards for Variances and Appeals:

- There cannot be a beneficial use of the property without the variance as the subject regulation limits the ability to fully utilize the rear yard.
- The variance is not substantial and the adjacent building to the rear has no windows or doors facing the subject property.
- The essential character of the neighborhood would not be altered as the three-season room would match the home's aesthetics and neighboring properties would not be affected.

FACTORS APPLICABLE TO AREA OR SIZE-TYPE VARIANCES ("PRACTICAL DIFFICULTY")

The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a practical difficulty exists and an area or size-type variance should be granted:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

while the property can still be used as a residence, the inability to add a 3-Seasons room significantly limits the ability to fully use the backyard space. Without the variance the use of our property is restricted.

B. Whether the variance is substantial;

The variance is modest. The overall change is not substantial in terms of land use or neighborhood impact, especially because the building behind our property has no windows or doors facing us.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

The essential character of the neighborhood would not be altered because it's behind our house with a wall and would match our house aesthetically. The neighboring properties would not be affected.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

The variance would not affect any governmental services because utilities will remain fully accessible and the addition will not interfere with any existing infrastructure or service routes.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

We were not fully aware of the specific 30-foot rear setback requirement at the time we bought the home, especially because the rear of the home borders a building that is within 5 feet of our property.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

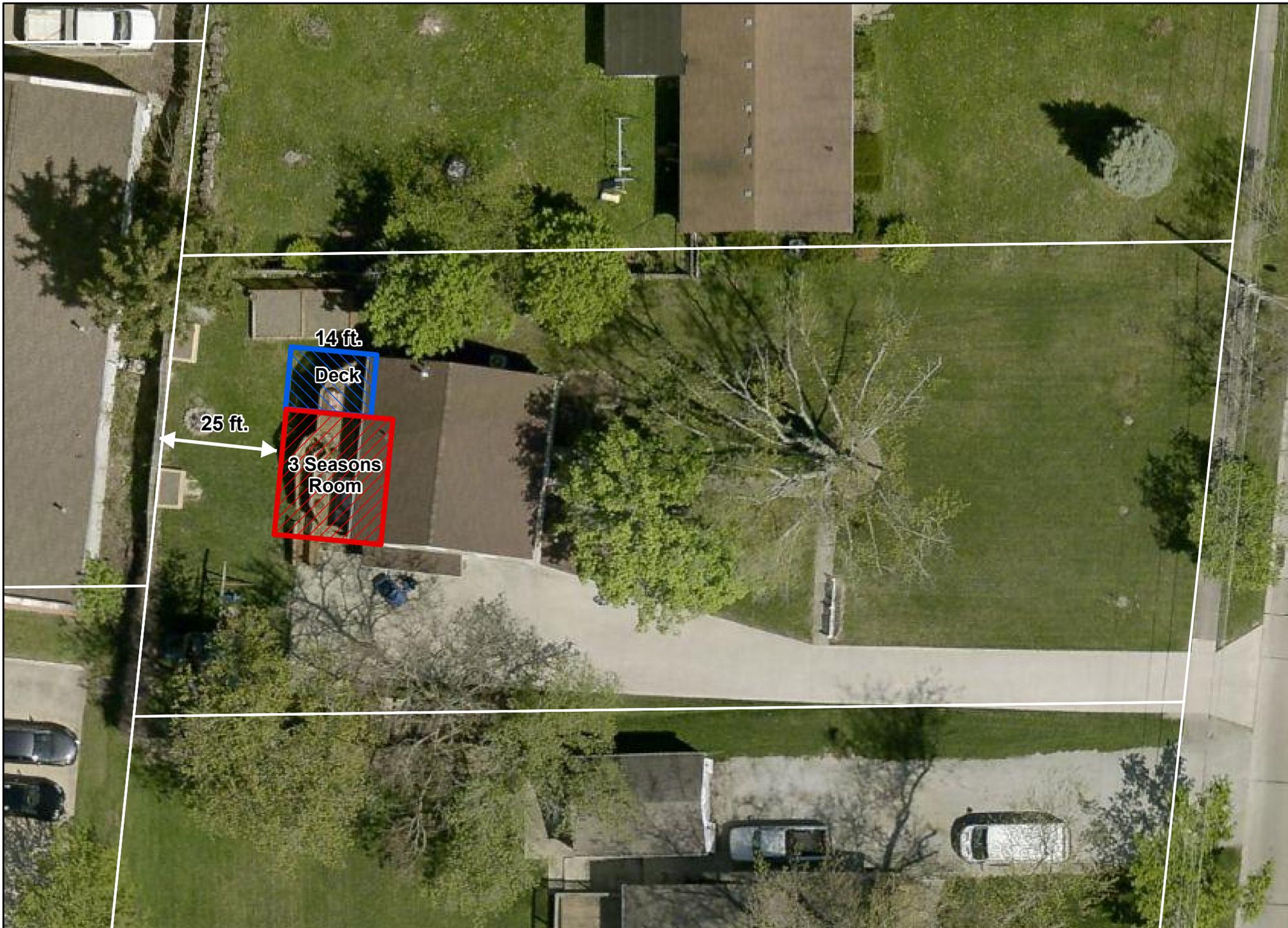
Due to the layout of our property and position of our home there is no feasible alternative location for the 3 seasons room that would avoid this setback issue. A variance is the only practical solution to allow for this home improvement.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

In this case, the rear neighbor is a commercial building with no windows or doors facing our property so the addition would not encroach on any residential privacy or utility access. Granting this variance would still honor the intent of rule while allowing for reasonable improvement to our home without harming the community.

New 3 seasons Room with Open decks

- * 14 x 10 open deck built with composite decking and vinyl hand railing (white)
- * 14 x 20 3 season room 11 windows, 1 large patio door exiting onto open deck.
- * Gable roof finished with matching 3 dimensional Hickory Shingles. 4 skylights.
- * Matching vinyl siding to make it look seamless.

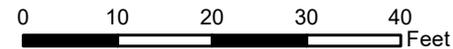


14 ft.

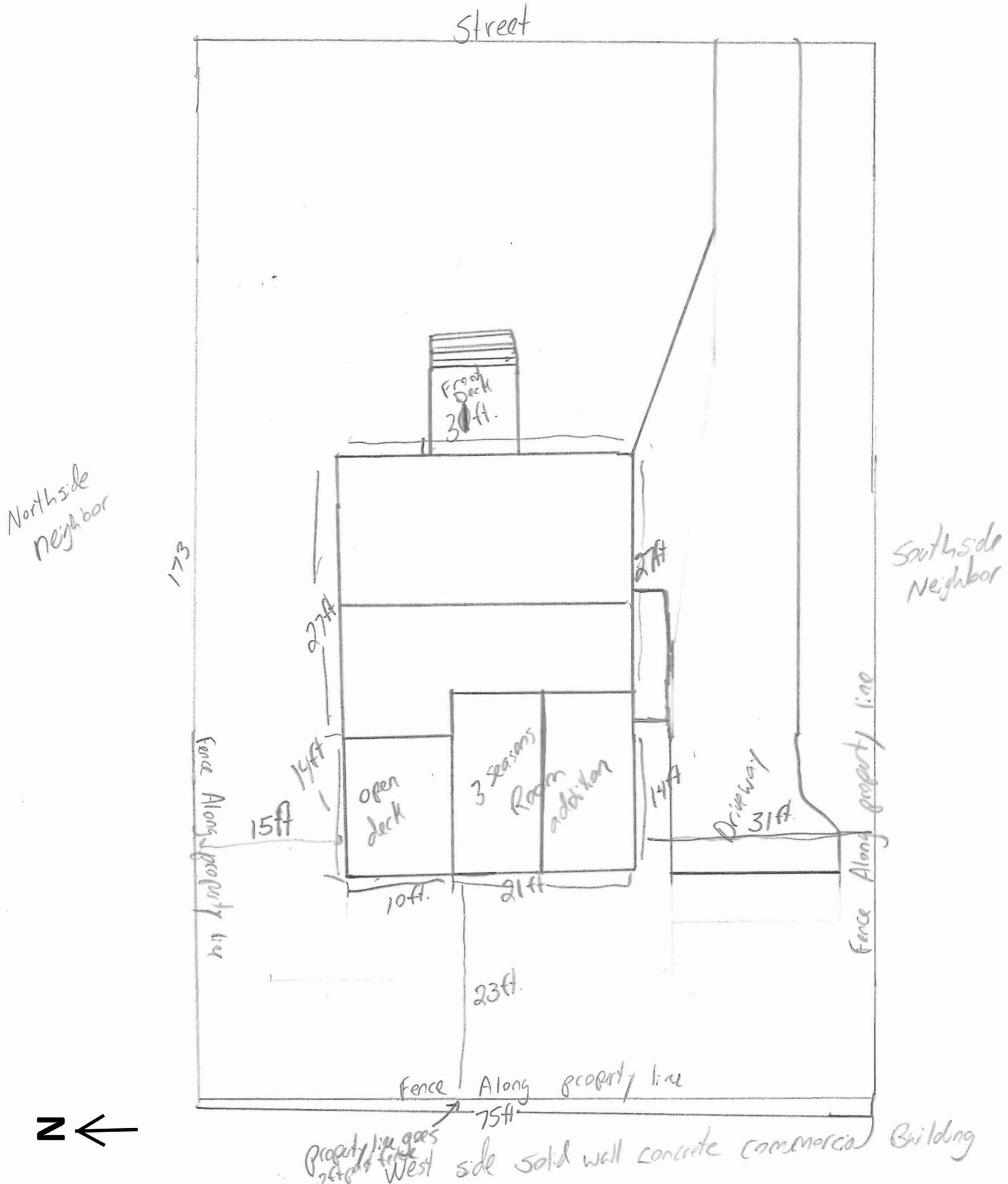
Deck

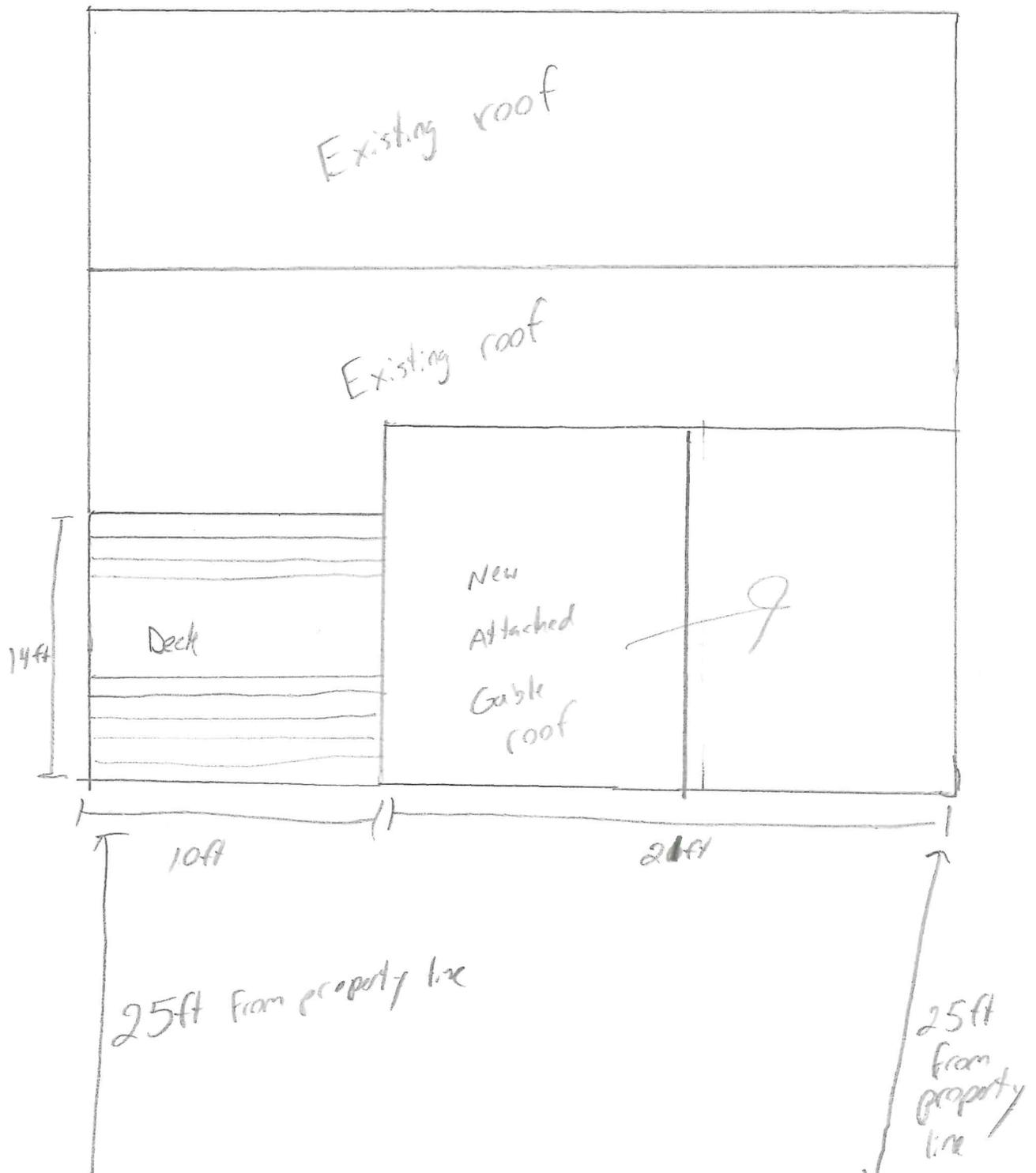
25 ft.

3 Seasons Room



823 N. Broadway site plan





10x14ft
Deck open



Gable roof w/ 3 dimensional
shingles.
11 windows.
vinyl siding

8ft.
Enclosed 20ft x 14ft
3 seasons room

6ft.

10ft. 21ft

