

APPLICATION NUMBER

**5339**

A REQUEST FOR

**SIDE YARD SETBACK, SIDE (STREET) YARD SETBACK  
AND COMBINED SIDE YARD SETBACK VARIANCES TO  
ALLOW A (7' X 9') ADDITION TO A RESIDENTIAL  
STRUCTURE WITHIN 5.66-FEET OF A SIDE PROPERTY  
LINE, TO ALLOW A (14' X 14') ADDITION WITHIN 10.84-  
FEET OF THE SIDE (STREET) PROPERTY LINE AND TO  
ALLOW A TOTAL COMBINED SIDE YARD OF 16.5 FEET;  
AN EIGHT-FOOT SETBACK IS REQUIRED FROM A SIDE  
PROPERTY LINE, A 19.8-FEET SIDE (STREET) YARD  
AND A TOTAL COMBINED SIDE YARD OF 27.8-FEET IS  
REQUIRED FOR RESIDENTIAL STRUCTURES ON A 58-  
FEET WIDE LOT IN A R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT**

LOCATED AT

**2150 DAUPHIN STREET**

(Northwest corner of Dauphin Street and Upham Street)

APPLICANT/OWNER

**ARMAN KHOSHKHOO**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2006

The applicant is requesting Side Yard Setback, Side (Street) Yard Setback and Combined Side Yard Setback Variances to allow a (7' x 9') addition to a residential structure within 5.66-feet of a side property line, to allow a (14' x 14') addition within 10.84-feet of the side (street) property line and to allow a total combined side yard of 16.5-feet; an 8-foot setback is required from a side property line, a 19.8-foot side (street) yard and a total combined side yard of 27.8-feet is required for residential structures on a lot 58-feet wide in a R-1, Single-Family Residential District.

The applicant states the proposed 7' x 9' bathroom addition and the 14' x 14' bedroom addition to the existing single-family dwelling would be attached and "in-line" with the existing structure.

The applicant goes on to say that the additions are needed to help his elderly handicapped parents that have a difficult time climbing stairs. The existing bedrooms and bathroom are upstairs.

Although the site is not within a historic district it is located in an older neighborhood that far predates the adoption of the current Zoning Ordinance. The proposed addition would maintain the residential character of the neighborhood and the Board has been mindful of the unique character of older areas when considering site variance applications. Furthermore, the Board has been sympathetic in granting variances in urban areas of the city, especially when the addition is "in-line" with the existing structure and a minimum setback of 5-feet is provided.

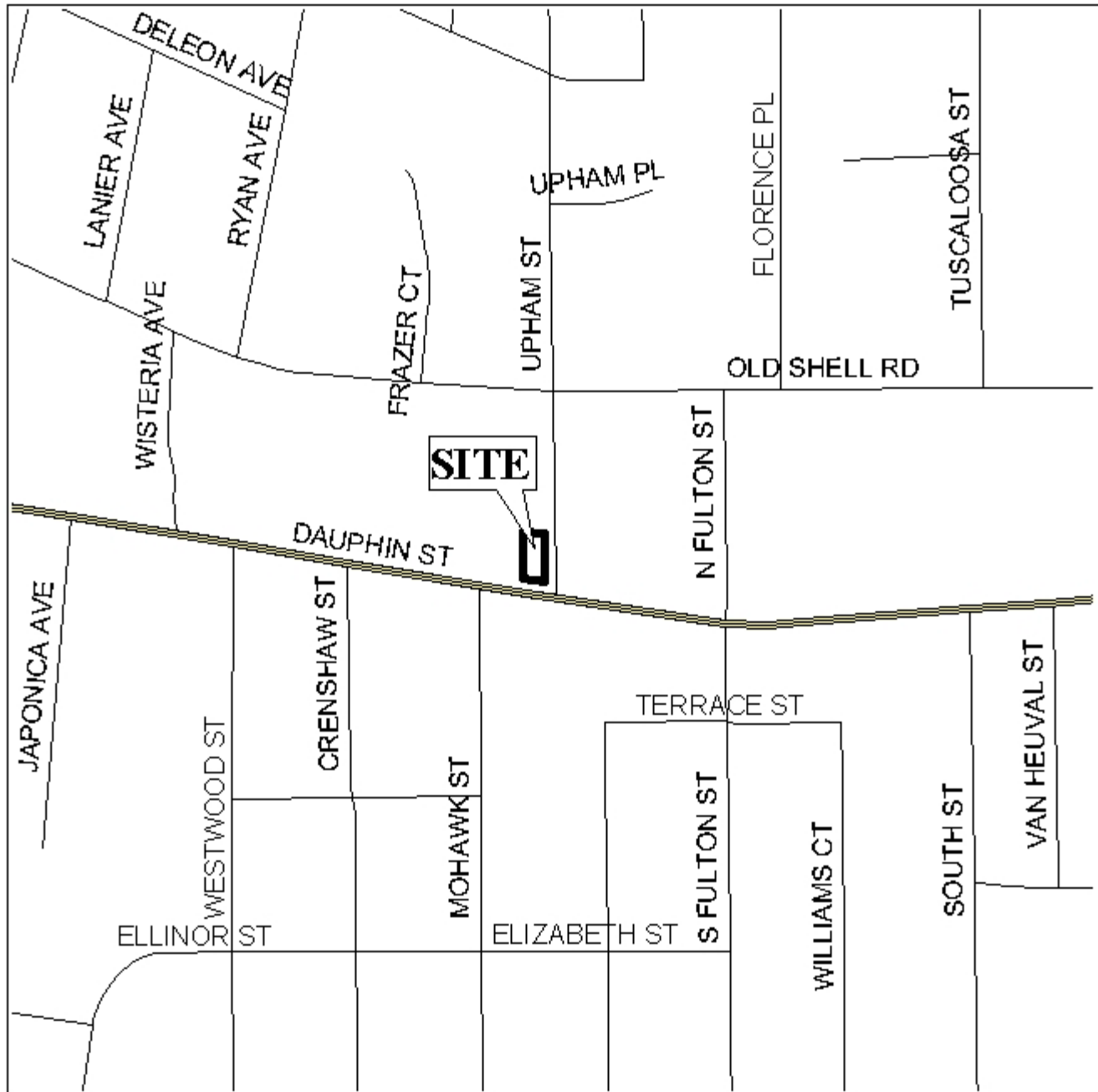
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

As illustrated on the Vicinity Map and Site Plan, the proposed addition would be "in-line" with the existing dwelling, and corresponds to the setbacks of the existing dwellings on adjacent properties.

**RECOMMENDATION 5339****Date: January 9, 2006**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) provision of gutters and downspouts.

## LOCATOR MAP



APPLICATION NUMBER 5339 DATE January 9, 2005

APPLICANT Arman Khoshkhoo

REQUEST Side Yard Setback, Side (Street) Yard Setback and Combined Side Yard Setback Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings with an office located to the East.

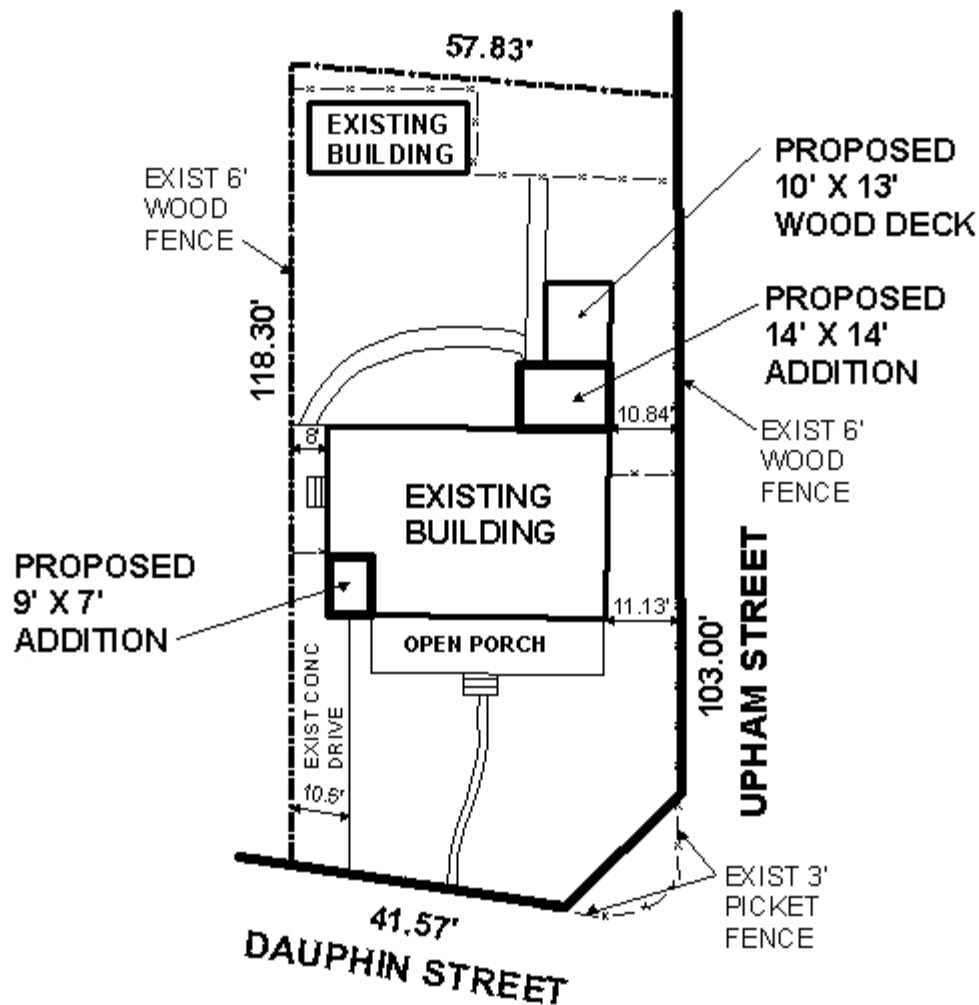
APPLICATION NUMBER 5339 DATE January 9, 2006

APPLICANT Arman Khoshkhoo

REQUEST Side Yard Setback, Side (Street) Yard Setback and Combined Side Yard Setback Variances

LEGEND

## SITE PLAN



The site is located on the Northwest corner of Upham Street and Dauphin Street. The plan illustrates the existing structures and drive, along with the proposed additions.

APPLICATION NUMBER 5339 DATE January 9, 2006

APPLICANT Arman Khoshkhoo

REQUEST Side Yard Setback, Side (Street) Yard Setback and Combined Side Yard Setback Variances

