

APPLICATION NUMBER

5239

A REQUEST FOR

**USE VARIANCE TO ALLOW A SECOND DWELLING
UNIT (SECOND KITCHEN) IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM OF R-2, TWO-FAMILY
RESIDENTIAL**

LOCATED AT

1152 SANTA MARIA COURT

(West terminus of Santa Maria Court)

APPLICANT/OWNER

KATHLEEN T. BRELAND

BOARD OF ZONING ADJUSTMENT

MAY 2004

The applicant is requesting a Use Variance to allow a second dwelling unit (second kitchen) in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of R-2, Two-Family Residential.

The applicant states that addition is underway to allow additional space onto the lower level (downstairs) to the existing single-family dwelling. The addition includes a sunroom, a wet bar area, and a covered carport. Specifically, the requested variance will allow the wet bar area to be converted to a 2nd kitchen area.

The applicant states the existing structure is a split-level dwelling, consisting of a downstairs den/utility area, a mid-level area with kitchen and living/dining area, and an upstairs bedroom area. The downstairs and new addition (located in the rear on the lower level) is being designed to include handicapped accessible facilities. Prior to construction, the existing downstairs included a bedroom and bathroom area; however, these were not designed to be handicap accessible. After construction and remodeling are completed, the downstairs level will allow an elderly, or handicapped individual to live independently on one level of the home, in an assisted living fashion.

The applicant states that the decision to modify the downstairs was based on the desire to allow the resident to continue living safely in her home, rather than move into an assisted living facility. In October 2003, the applicant had severe injuries due to a fall on the stairs, consequently any activity involving movement on the stairs could result in serious or life threatening injury.

The applicant states the long-term plans for the existing kitchen space includes conversion to a small office or meeting area. Currently, there is no time line set for its conversion. However, if the existing kitchen were converted to an office as part of the current remodeling project, a variance would not be required.

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.

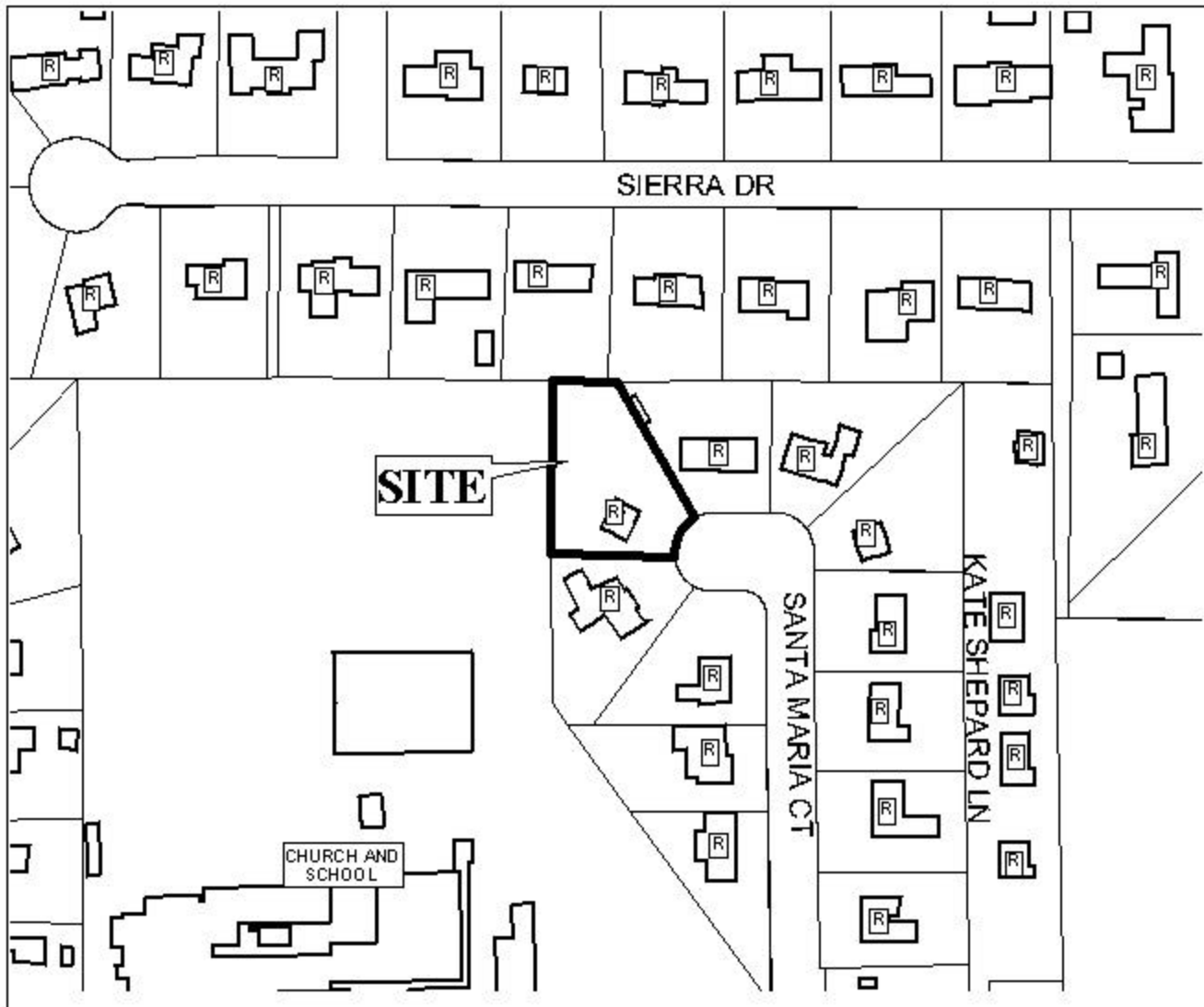
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards.

RECOMMENDATION 5239**Date: May 3, 2004**

Based on the preceding, it is recommended that this application be denied.

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are located to the north, east and south of the site.
A church and school are to the west.

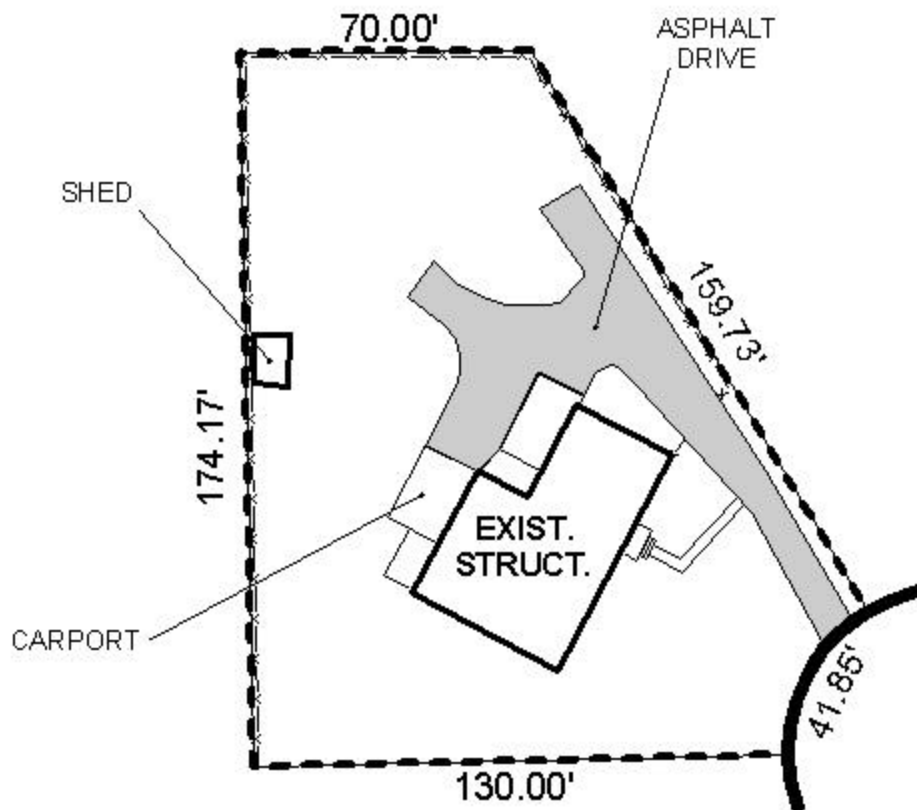
APPLICATION NUMBER 5239 DATE May 3, 2004
 APPLICANT Kathleen T. Breland
 REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site is located at the West terminus of Santa Maria Court.
The plan illustrates the existing structures and parking.

APPLICATION NUMBER 5239 DATE May 3, 2004
APPLICANT Kathleen Breland
REQUEST Use Variance

