

# **HOLDOVER**

APPLICATION NUMBER

**5443**

A REQUEST FOR

**USE VARIANCE TO ALLOW A DUPLEX IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT; R-2, TWO-  
FAMILY RESIDENTIAL USE IS NOT ALLOWED IN AN  
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

**114 NORTH CATHERINE STREET**

(East side of North Catherine Street, 350'± North of Old Shell Road)

APPLICANT/AGENT

**RAYNALD HOLDER**

OWNER

**RAYNALD HOLDER**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2007

# **HOLDOVER**

## **ANALYSIS APPLICATION 5443**

**Date: December 3, 2007**

The applicant is requesting a Use Variance to allow a duplex in an R-1, Single-Family Residential District; R-2, Two-Family Residential use is not allowed in an R-1, Single-Family Residential District.

The applicant states that the property was purchased in May 2007 as a duplex, but it only had one power box, electrical meter, and gas meter. He now wants to separate utilities for the two units by adding a second power box and additional utility meters. As the property is zoned R-1, legal nonconforming use history as a duplex is required to allow permits to be issued for the separation of utilities. Since no such use history is on file for the property, and since previous owners could not be contacted to obtain such, a variance is required to legally establish two-family residential use, hence this application.

Staff research on the property indicates various periods of two-occupant use as far back as 1987 through various owners. In several cases, the owners occupied the property and apparently leased space to renters. Information furnished with the application clearly indicates two dwelling units with complete kitchens on the first floor. One of the units has the bedrooms and bath on the second floor. Kitchen details observed in furnished interior photographs certainly indicate their existence for quite a period of time and would generally correlate with the 1987 time frame of dual occupancy.

The site plan furnished indicates a non-compliant parking slab to the rear of the residence. A two-family dwelling requires a minimum of three parking spaces. There exists enough open area to modify the parking arrangement to provide proper parking and maneuvering area.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship with respect to the use of the property as a single-family dwelling and the Board should consider the approval of this variance, especially in light of past use history revealed in research. Inasmuch as the requested use should be considered for

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approval, as much compliance as possible should also be sought. Therefore, the parking and maneuvering area should be brought into compliance for two-family residential use.

This application was heldover from the Board's scheduled November meeting due to a lack of quorum to hold the meeting.

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## **RECOMMENDATION 5443**

**Date: December 3, 2007**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) modification of the parking/maneuvering area to be compliant and provide a minimum of three parking stalls, subject to staff approval of a revised site plan for such; and (2) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



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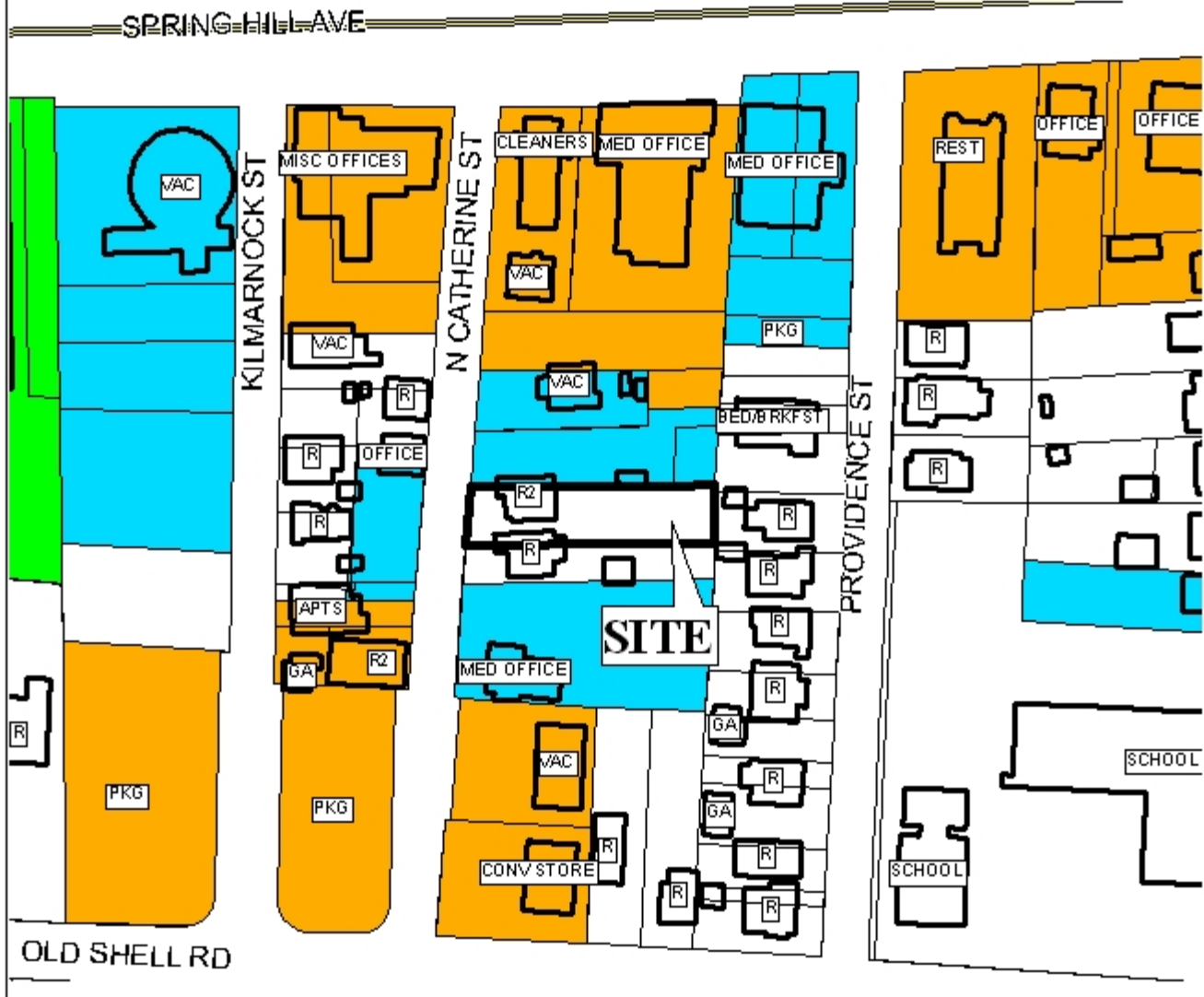
APPLICANT Raynald Holder

REQUEST Use Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

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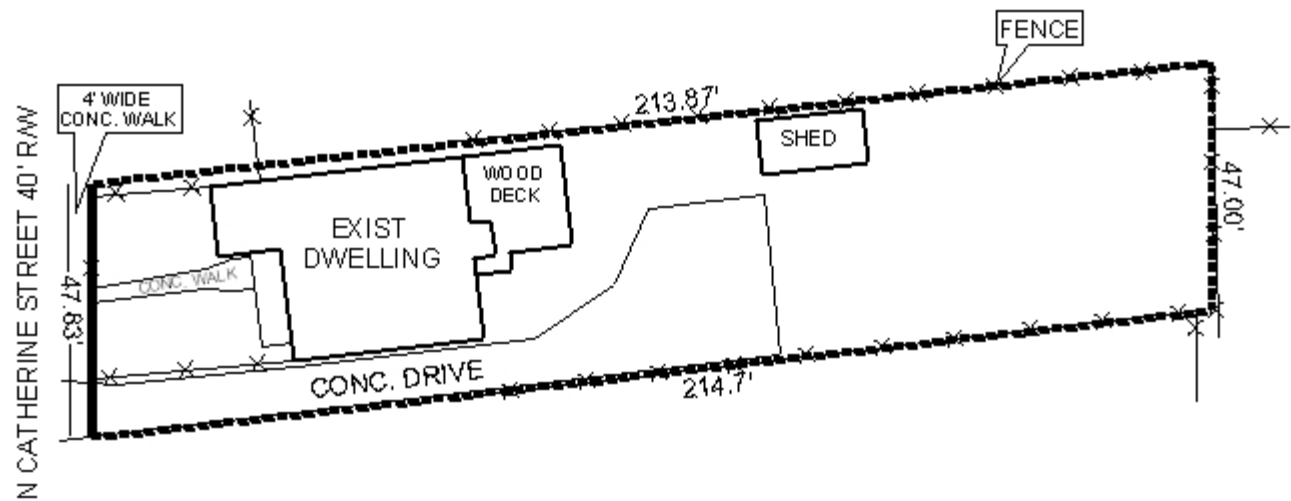
REQUEST Use Variance

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



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## SITE PLAN



The site plan illustrates the existing buildings, drives, walks, and fences.

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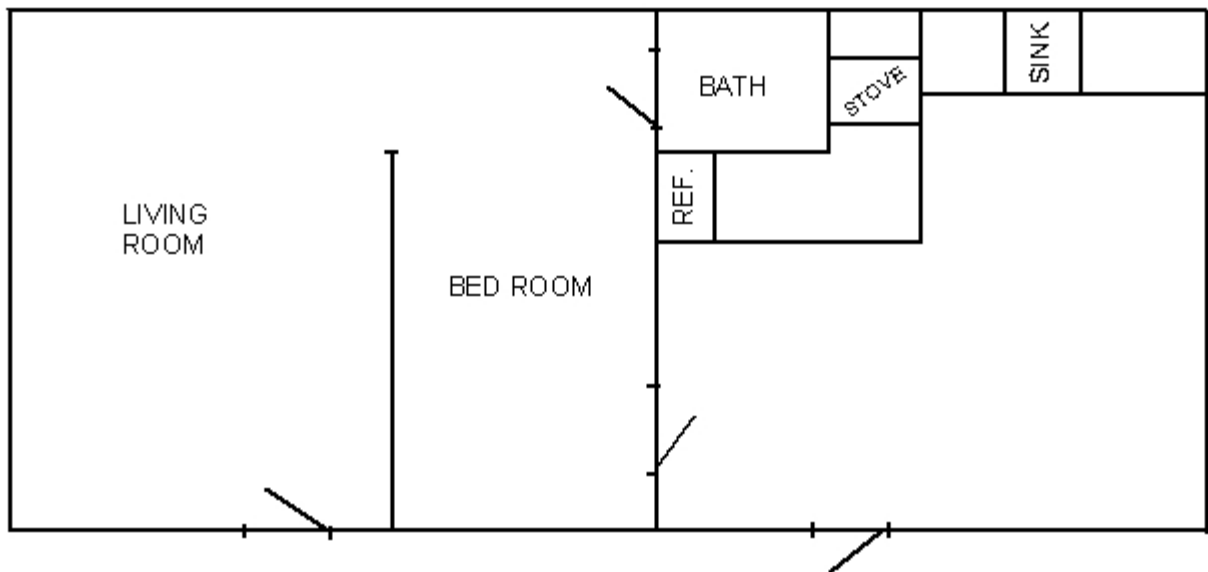
APPLICANT Raynald Holder

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## FIRST FLOOR "A" DETAIL



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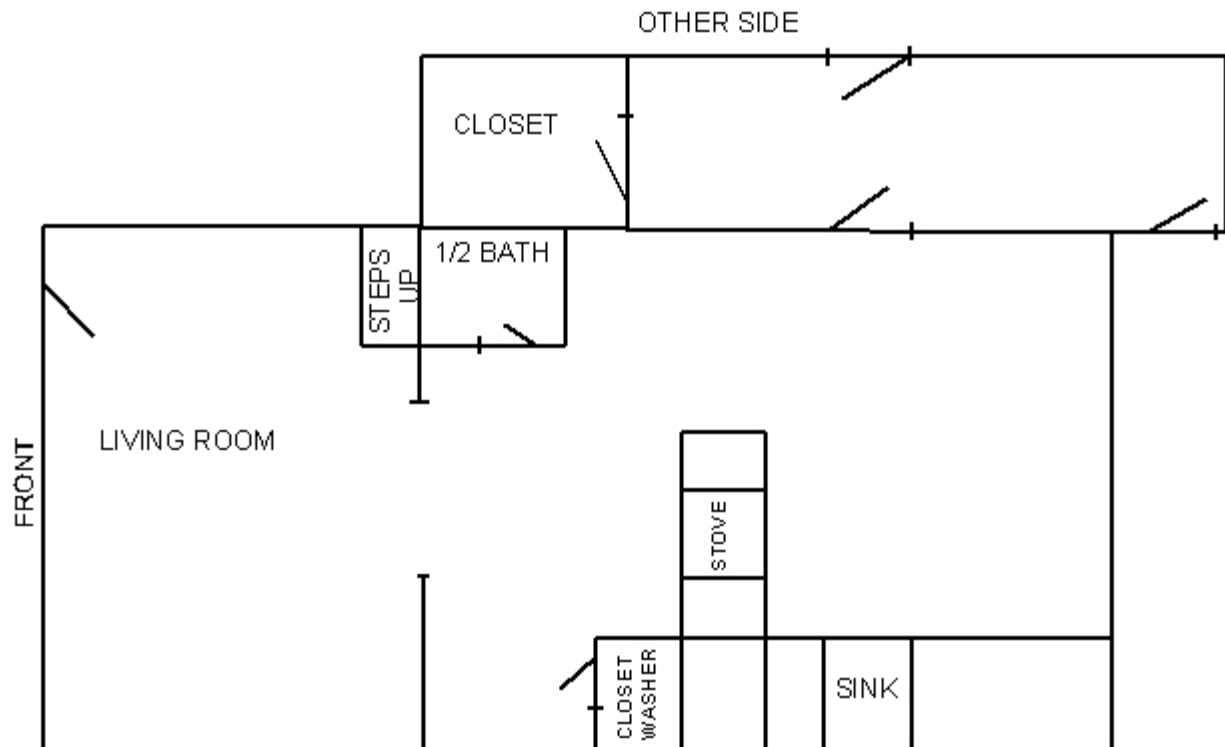
REQUEST Use Variance



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## FIRST FLOOR "B" DETAIL



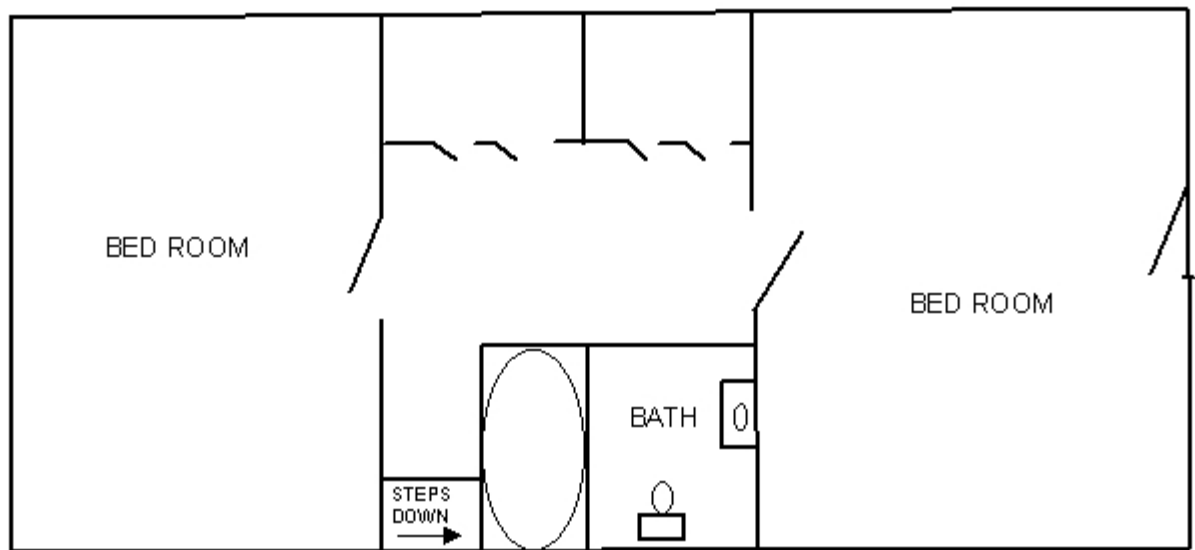
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APPLICANT Raynald Holder

REQUEST Use Variance

N  
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## SECOND FLOOR "B" DETAIL



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APPLICANT Raynald Holder

REQUEST Use Variance

N  
NTS