

APPLICATION NUMBER

5498

A REQUEST FOR

**USE AND PARKING RATIO VARIANCES TO ALLOW A
GARAGE APARTMENT (AN R-2, TWO-FAMILY
RESIDENTIAL USE) AT A SINGLE-FAMILY DWELLING
WITH UNDESIGNATED PARKING SPACES IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE DOES NOT ALLOW R-2, TWO-
FAMILY RESIDENTIAL USE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT, AND THREE DESIGNATED
PARKING SPACES ARE REQUIRED FOR R-2, TWO-
FAMILY RESIDENTIAL USE.**

LOCATED AT

106 SOUTH MONTEREY STREET

(West side of South Monterey Street, 65± North of Laurel Street.)

APPLICANT/AGENT

JORDAN INVESTMENTS, LLC

OWNER

JORDAN INVESTMENTS, LLC

BOARD OF ZONING ADJUSTMENT

OCTOBER 2008

The applicant is requesting Use and Parking Ratio Variances to allow a garage apartment (an R-2, Two-Family Residential use) at a single-family dwelling with undesignated parking spaces in an R-1, Single Family Residential District; the Zoning Ordinance does not allow R-2, Two-Family Residential use in an R-1, Single-Family Residential District, and three designated parking spaces are required for R-2, Two-Family Residential use.

The applicant states that the property was purchased in January 2006 to be rented out as two single-family residences. He also states that the apartment has been rented out almost continually as far back as their records go (1980). No evidence of the property being rented was provided to staff.

Staff research on the property indicates various periods of two-occupant use through various owners. In several cases, the owners occupied the property and apparently leased space to renters. In addition, according to Sanborn maps updated in 1955, the lot did contain both the single-family residence and the garage apartment. It should also be noted that the apartment and the single-family residence have two separate addresses.

Though the site plan does not show three designated parking spaces as required by the Zoning Ordinance for an R-2, Two-Family Residential District, it appears from the site plan provided that there is adequate space to park three cars.

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.

Though the applicant has failed to show any hardship exists for the property, it appears that the residence was built prior to the adoption of the Zoning Ordinance along with the garage apartment. Inasmuch as the requested use should be considered for 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.

RECOMMENDATION 5498**Date: October 6, 2008**

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



APPLICATION NUMBER 5498 DATE October 6, 2008

APPLICANT Jordan Investments, LLC

REQUEST Use and Parking Ratio Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site plan is surrounded by residential land use.

APPLICATION NUMBER 5498 DATE October 6, 2008

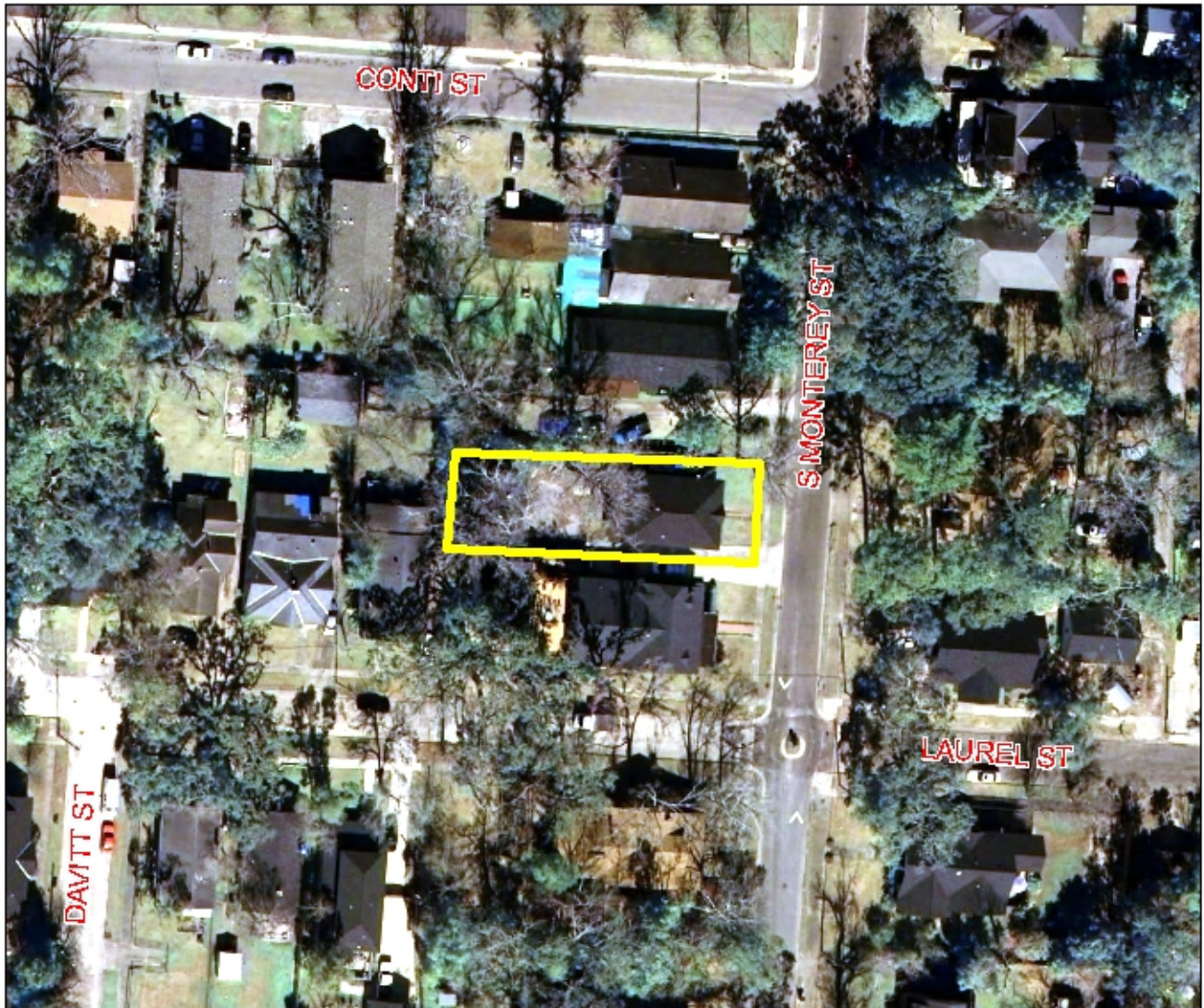
APPLICANT Jordan Investments, LLC

REQUEST Use and Parking Ratio 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

N
↑
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site plan is surrounded by residential land use.

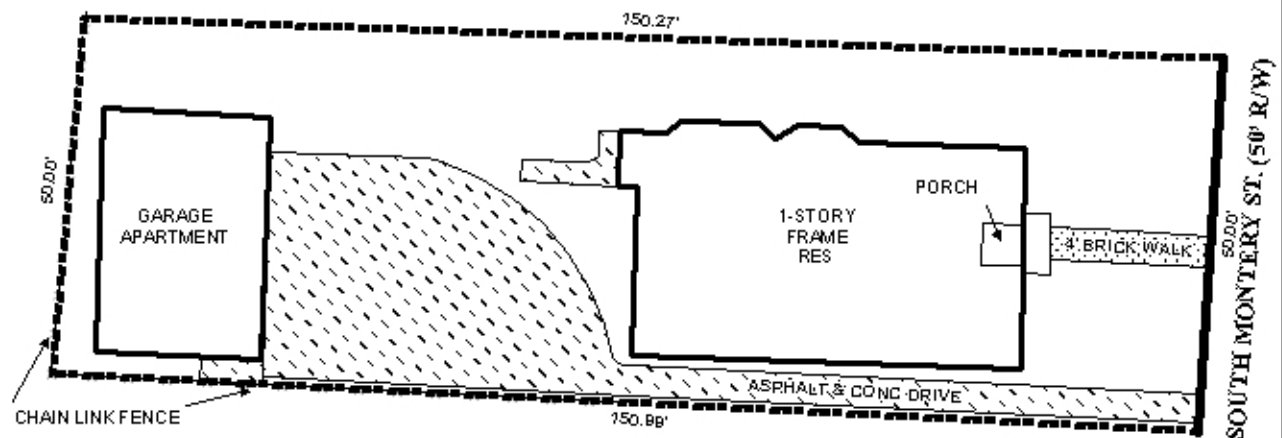
APPLICATION NUMBER 5498 DATE October 6, 2008

APPLICANT Jordan Investments, LLC

REQUEST Use Variance to Allow R-2 in R-1

N
NTS

SITE PLAN



This site plan illustrates existing buildings and lot configuration.

APPLICATION NUMBER 5498 DATE October 6, 2008

APPLICANT Jordan Investments, LLC

REQUEST Use and Parking Ratio Variance



