

APPLICATION NUMBER

5229

A REQUEST FOR

**USE VARIANCE TO ALLOW A SECOND DWELLING
(WITH A KITCHEN) IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
ALLOWS ONLY ONE DWELLING (WITH ONE KITCHEN)
IN AN R-1 DISTRICT.**

LOCATED AT

279 LARKSPUR STREET

(East side of Larkspur Street, 343' ± North of Weatherford Avenue)

APPLICANT

REBECCA O. ELLIS

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2004

The applicant is requesting Use Variance to allow a second kitchen in a R-1, Single-Family Residential District; the Zoning Ordinance allows only one kitchen per single-family dwelling unit.

The applicant states that the addition is required to provide suitable living arrangements for an elderly parent.

The applicant proposes to construct 1,200 square foot, two-bedroom, in-law suite for an elderly father. It is not unusual for families requesting the construction of in-law suites; however, typical in-law suites only provide a bedroom and living area, not a second kitchen. Additionally, the staff is concerned that this design is for two bedrooms, thus allowing more than one person.

If the variance is granted, one problem of that approval is that of enforcement, once the second kitchen is constructed it would be difficult for the city to monitor the addition. If and when the property is sold or death occurs, the addition could be used for rental purposes.

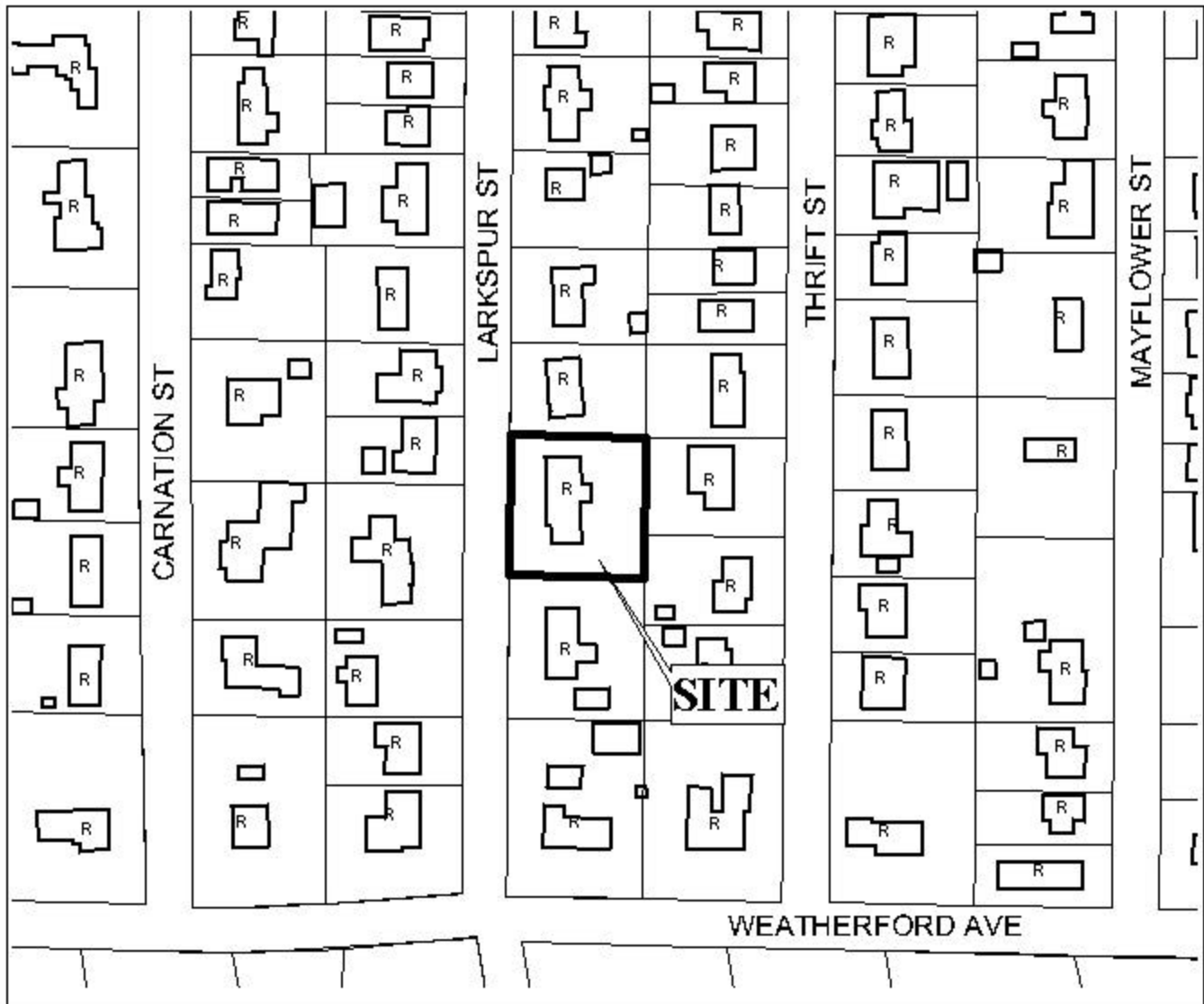
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to have a second dwelling unit in an R-1, Single-Family Residential District.

RECOMMENDATION 5229**Date: February 2, 2004**

Based upon the preceding, this application is recommended for denial.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

APPLICATION NUMBER 5229 DATE February 2, 2004

APPLICANT Rebecca O. Ellis

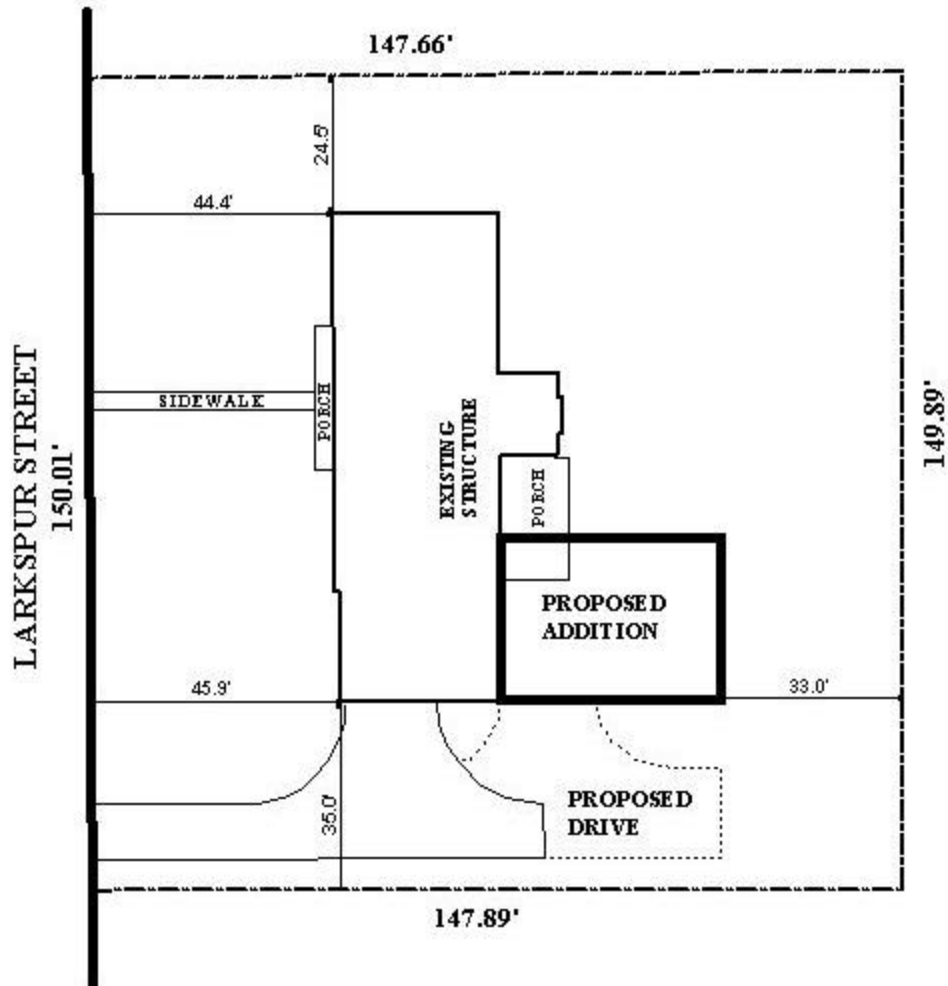
REQUEST Use Variance

LEGEND

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|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
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| R-1 | R-2 | R-3 | 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 on the East side of Larkspur Street, 343' North of Weatherford Avenue. The plan illustrates the existing structure and drive, along with the proposed addition and drive.

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APPLICANT Rebecca O. Ellis

USE/REQUEST Use Variance



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