

APPLICATION NUMBER

5153

A REQUEST FOR

**USE VARIANCE TO ALLOW A SECOND DWELLING
UNIT ON ONE LOT; ONLY ONE DWELLING UNIT PER
LOT IS ALLOWED IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT**

LOCATED AT

8 HOUSTON STREET

(West side of Houston Street, 165' ± South of Dauphin Street)

APPLICANT/OWNER

VERNA BENNETT

BOARD OF ZONING ADJUSTMENT

JANUARY 2003

The applicant is requesting a Use Variance to allow a second dwelling unit on one lot; only one dwelling unit per lot is allowed in an R-1, Single-Family Residential District.

The applicant states that the secondary dwelling has been in existence for over twenty-five years. However, the secondary dwelling has been vacant for over 18 years; therefore, a Use Variance application is needed to re-occupy the second dwelling. The applicant states to eliminate any negative impacts to the surrounding properties a detailed lease agreement will be required.

With regard to the question of the secondary dwelling, the structure was obviously originally constructed as a residential dwelling. The floor plan illustrates that the use as a residential dwelling is the most logical use of the building. However, since the secondary structure has been vacant for over 18 years, the use of the structure reverts to accessory use only.

The Ordinance allows nonconforming uses to continue as long as they are not abandoned for a period of two years or more. It is the intent of Zoning Ordinance, that over time, nonconforming uses will cease, and in this case only single-family residences would be allowed in this neighborhood. After World War II, many of the properties in this area had apartments in the rear of the primary residence; however, as illustrated on the Vicinity Map, Houston Street overwhelmingly consists of single-family residences.

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.

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 reoccupy an existing structure as a second dwelling unit in a Single-Family Residential District.

RECOMMENDATION 5153**Date: January 6, 2003**

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings; with an office to the Northeast.

APPLICATION NUMBER 5153 DATE January 6, 2003

APPLICANT Verna Bennett

REQUEST Use Variance

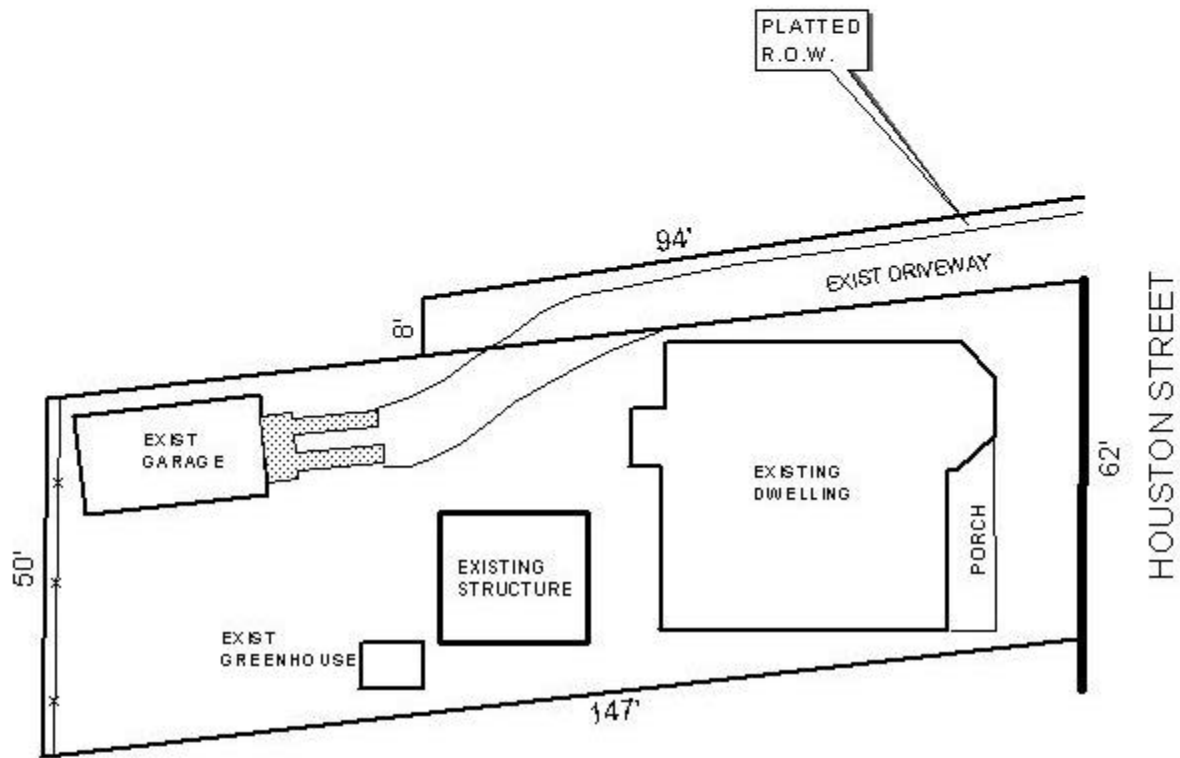
LEGEND

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



NTS

SITE PLAN



The site is located on the West side of Houston Street, 150' South of Dauphin Street.
The plan illustrates the existing structures.

APPLICATION NUMBER 5153 DATE January 6, 2003
 APPLICANT Verna Bennett
 USE/REQUEST Use Variance



NTS