

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming, Rear Yard) in a C-4 (Commercial) zone.

This would permit existing structures that are located to within 3'9" of the rear property line.

The required rear yard setback is 10 feet in the C-4 zone district.

BACKGROUND

The applicant uses the property for storage of vehicles that he restores. He is requesting the Special Exception B for structures he has built without permit which are encroaching in the required rear yard setback. There appear to be two other properties in his block with structures that are built to 0' of the rear property line.

CALCULATIONS

Required rear yard setback = 10'

Requested rear yard setback = 3'9"

STAFF RECOMMENDATION

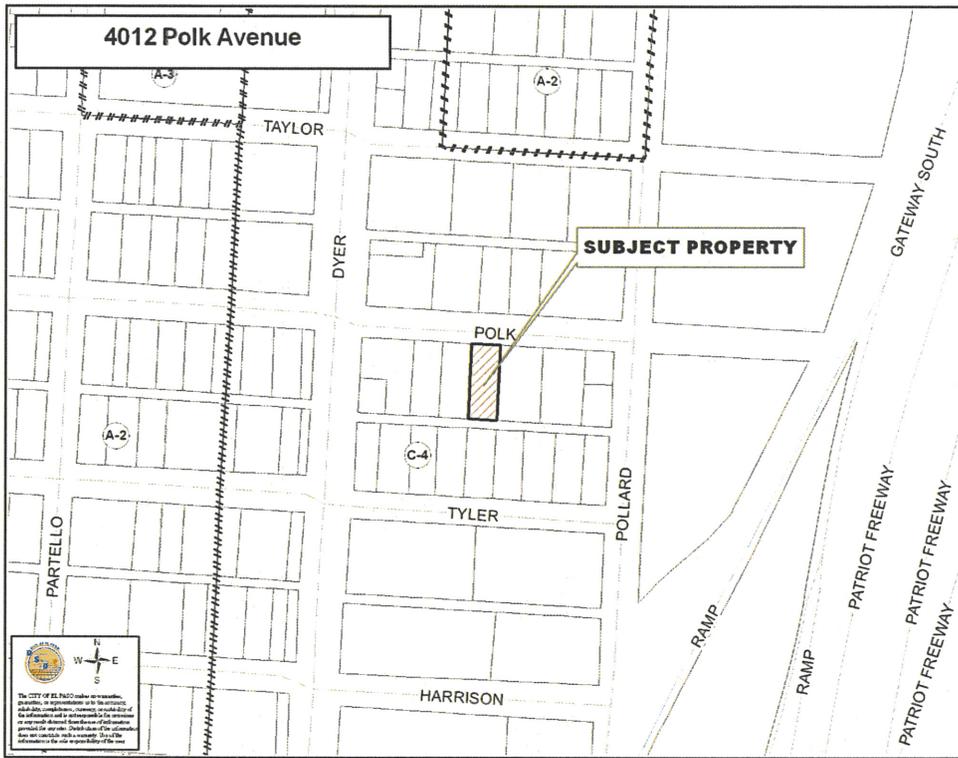
Staff recommends denial of the request for the Special Exception B since there is only one structure in the same block on the same side of the street which is similar in nature to the applicant's and is built encroaching in the required rear yard setback.

The Zoning Board of Adjustment is empowered under Section 2.16.050 B to:

"Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street; and,
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots, and,
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception".

ZONING MAP



NOTIFICATION MAP

