

Applicant requests a Special Exception under Section 2.16.050 B (Front, Rear and Side Street Yard Setbacks) in a C-4 zone.

This would permit the existence of a building that is located to within 0' of the front, rear and side street property lines.

The required front yard setback is 15 feet; the required rear yard setback is 10 feet; and, the required side street yard setback is 10' in the C-4 (Commercial/Regional Commercial Districts) zone.

BACKGROUND

The applicant requested postponement at the July 13, 2009, meeting to the meeting of August 10, 2009. The request was re-notified to neighboring property owners to include the rear yard setback of 0 feet. The applicant's building was built in 1969 encroaching in the front, rear and side street yard setbacks. There are other properties within the same block on the same side of the street and directly across the street and directly across Sixth Street that are built to 0' of the front, rear and side street property lines, at 700, 701, 722 and 801 S. Stanton Street.

The applicant has also applied for a Special Permit (ZON09-00033) that is currently being processed by the Planning Division for a 100 percent parking reduction for this property. A review by Staff notes that there is a canopy at the front of the building that encroaches over the sidewalk, and the owner is required to apply for a Special Privilege for a structure that encroaches over City right-of-way.

CALCULATIONS

Required front yard setback = 15'

Requested front yard setback = 0'

Required rear yard setback = 10'

Requested rear yard setback = 0'

Required side street yard setback = 10'

Requested side street yard setback = 0'

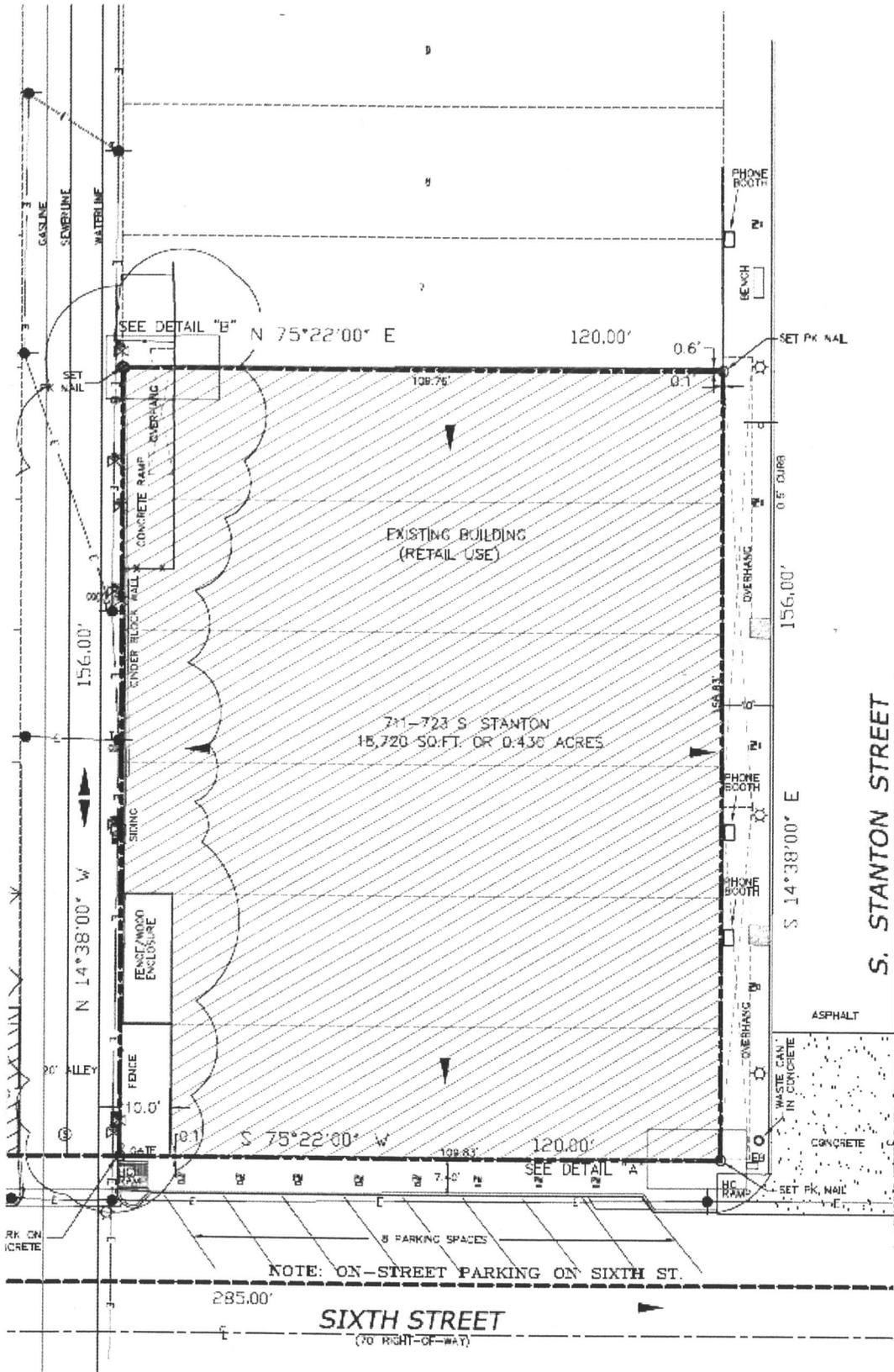
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception.

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:

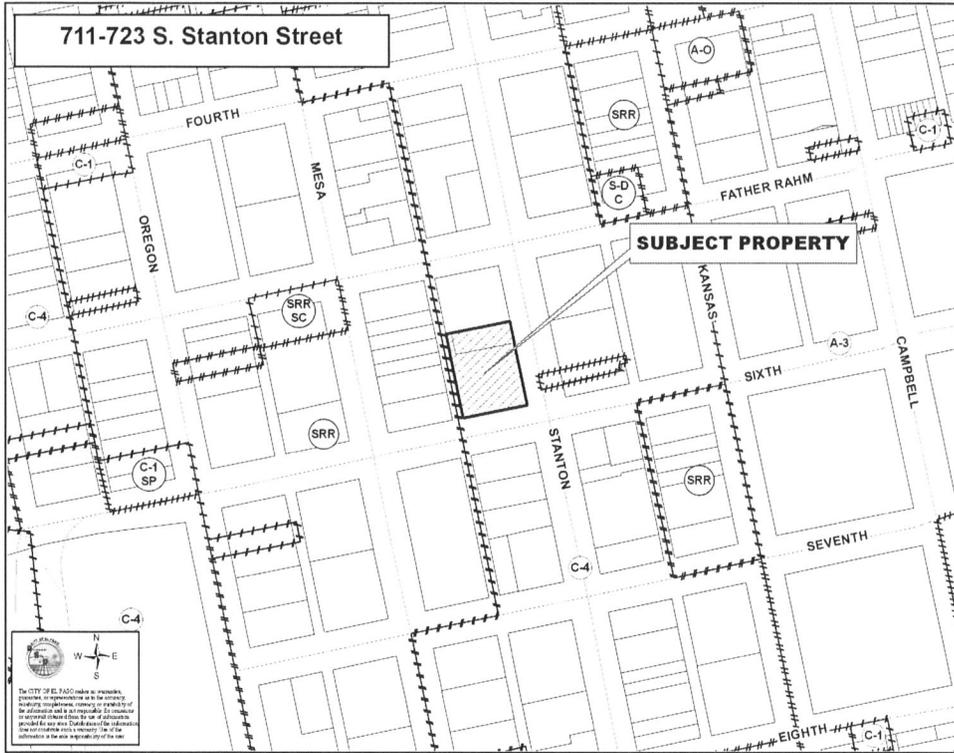
1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street; and,
3. The modifications are 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”.



OTHER NONCONFORMING PROPERTIES



ZONING MAP



NOTIFICATION MAP

