PZBA13-00025 1820 Myrtle Avenue Boyles Bobby J Properties LLC
Applicant requests a Special Exception under Section 2.16.050 B (Two or More Non-conforming) in an M-1 (Manufacturing) zone.

This would allow the rebuilding of a 50' by 120' warehouse which is proposed to be located to within 0 feet of the front property line and to within 0 feet of the rear property line.

The required front yard setback is 15 feet and the required rear yard setback is 10 feet in the M-1 zone district.

BACKGROUND

The applicant is requesting to rebuild a warehouse structure originally built to within 0 feet of the front and rear property lines. The structure was more than 50 percent destroyed by fire on October 30, 2012. The Central Appraisal District lists the structure as existing since 1970; however, no variance or special exception has been requested or granted to this property by the ZBA for the encroachments. There are two legal nonconforming properties across the street, existing in the 1956 aerial and still existing today, that are built to the front and rear property lines: 1803 Myrtle and 1831 Myrtle. The applicant's representative has been requested to contact the water and electric utility companies to determine that there are no utility easements on the property.

CALCULATIONS

Required front yard setback in M-1 zone district = 15 feet
Requested front yard setback = 0'
Required rear yard setback in M-1 zone district = 10 feet
Requested rear yard setback = 0 feet

STAFF RECOMMENDATION

Staff recommendation is for approval of the request as it meets the requirements of the Special Exception B.

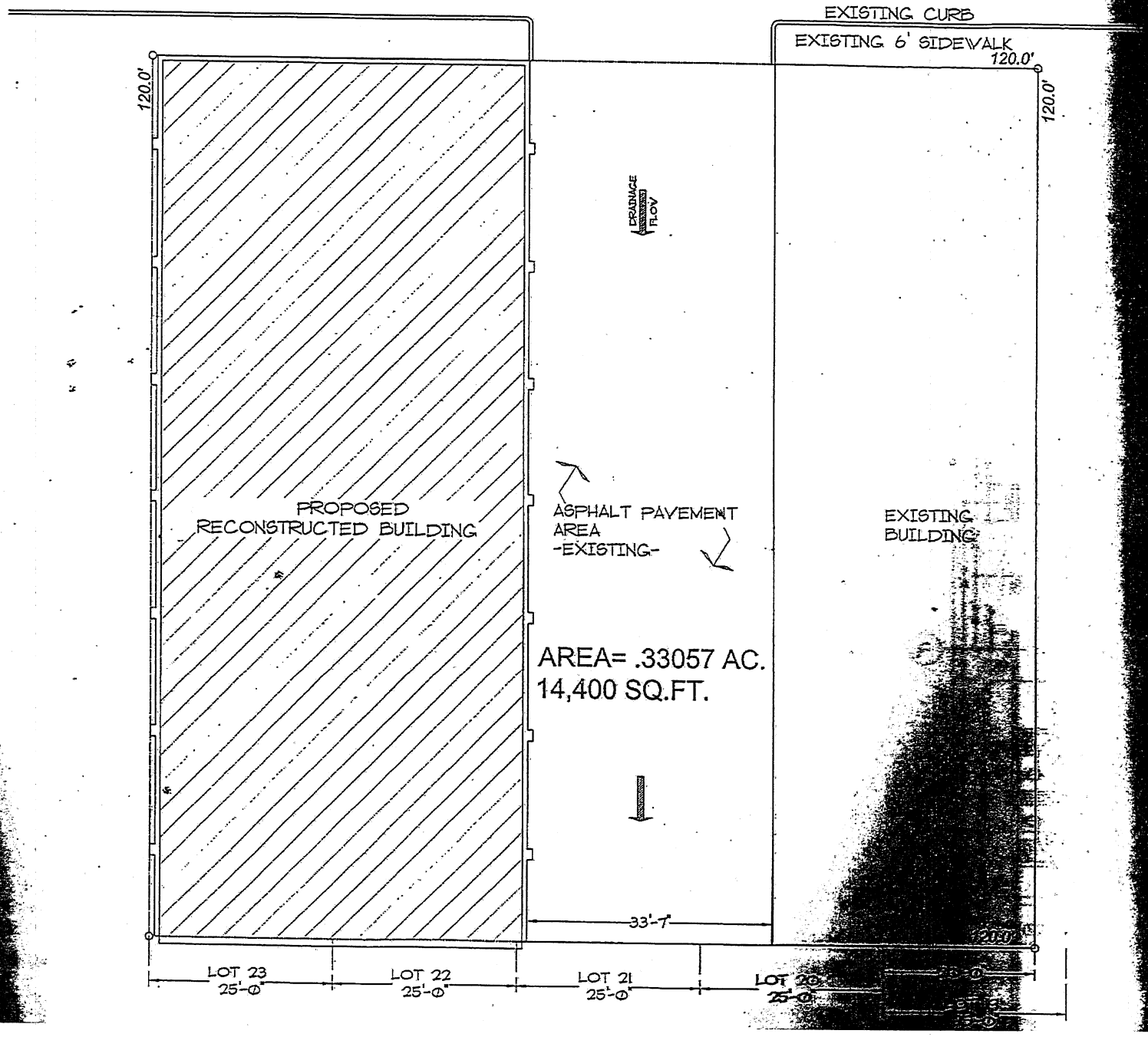
The Zoning Board of Adjustment is empowered under Section 2.16.050 B to:

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

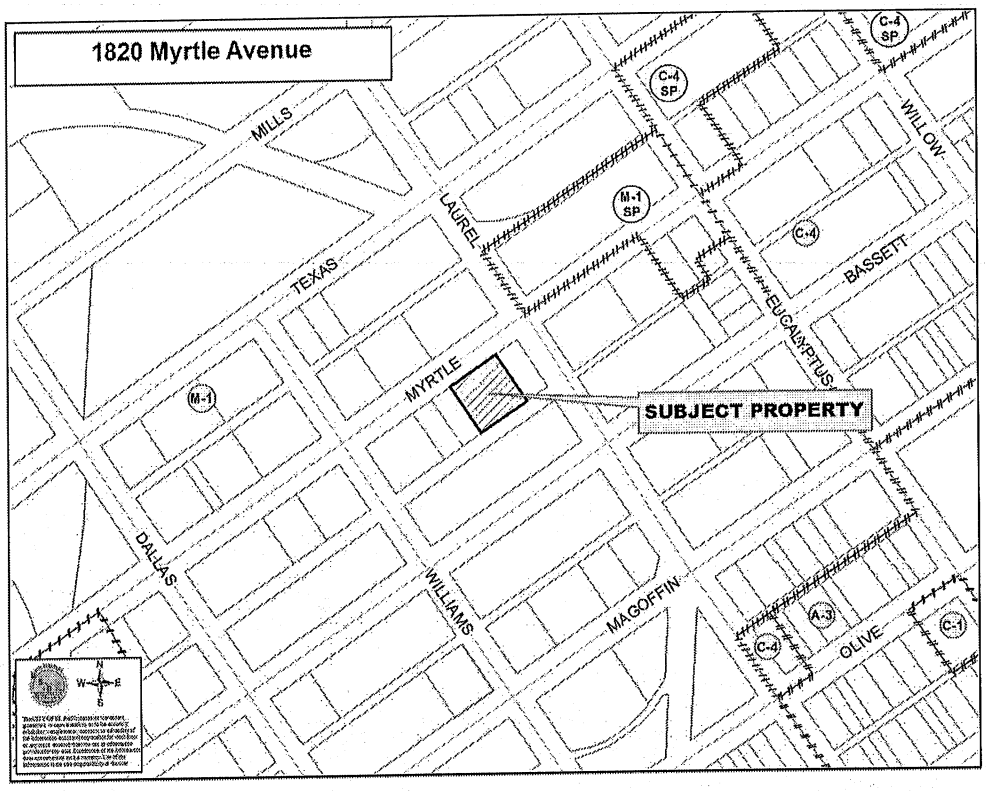
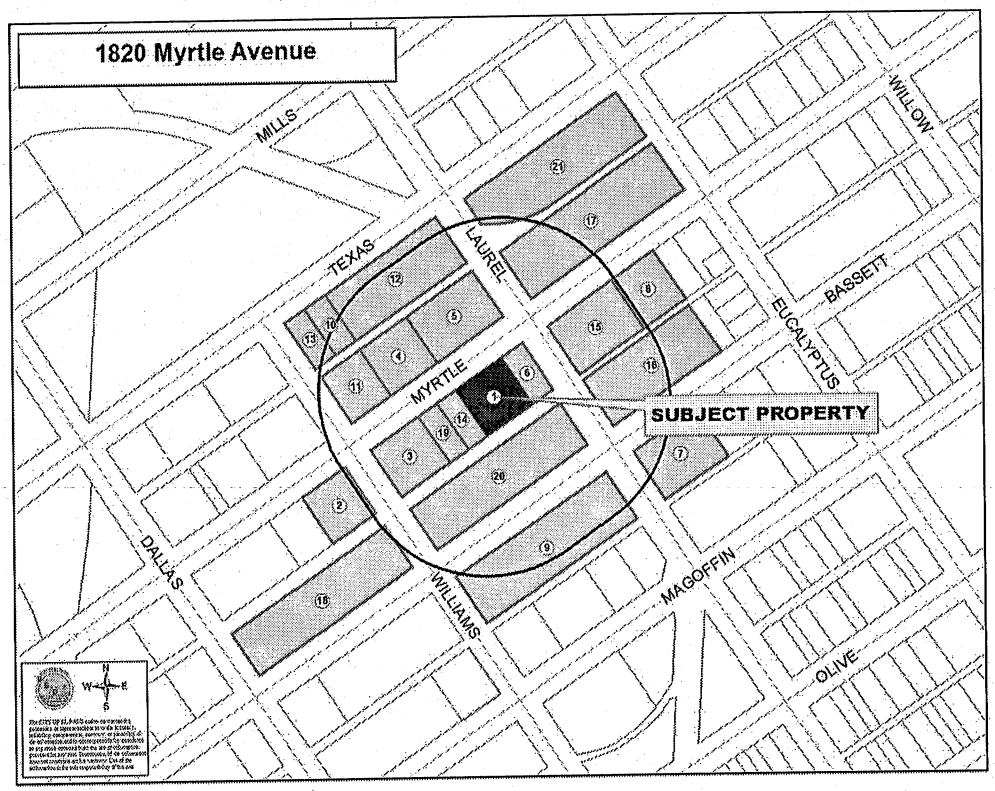
1. The lot is in a legally recorded and developed subdivision of at least ten years;
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;
3. The modifications are in the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

ITEM #5

1820 MYRTLE AV



ZONING MAP



NOTIFICATION MAP