

BZA 94 07

840 Kenilworth  
Ave

seals  
for  
@ 860

ymond Abell  
requesting a  
k  
accessory  
Code section

151.51.4 and is located in an R-2 Residential zoning District

#### RESEARCH AND FINDINGS

1. If Mr. Abell were to comply with the applicable setbacks, the desired accessory building would need to set on top of his house. The minimum front yard setback is 50 feet and the rear yard setback is 10 feet.
2. Mr. Abell's building lot is essentially triangular in shape, this lends to a great deal of street frontage causing the setback problem.
3. The request is to allow the building to be placed 15 feet from the front property line and 5 feet from the rear property line.

#### ADMINISTRATIVE OPINION

I am recommending the Board grant the setback variance as request based on exceptional and/or extraordinary circumstances.

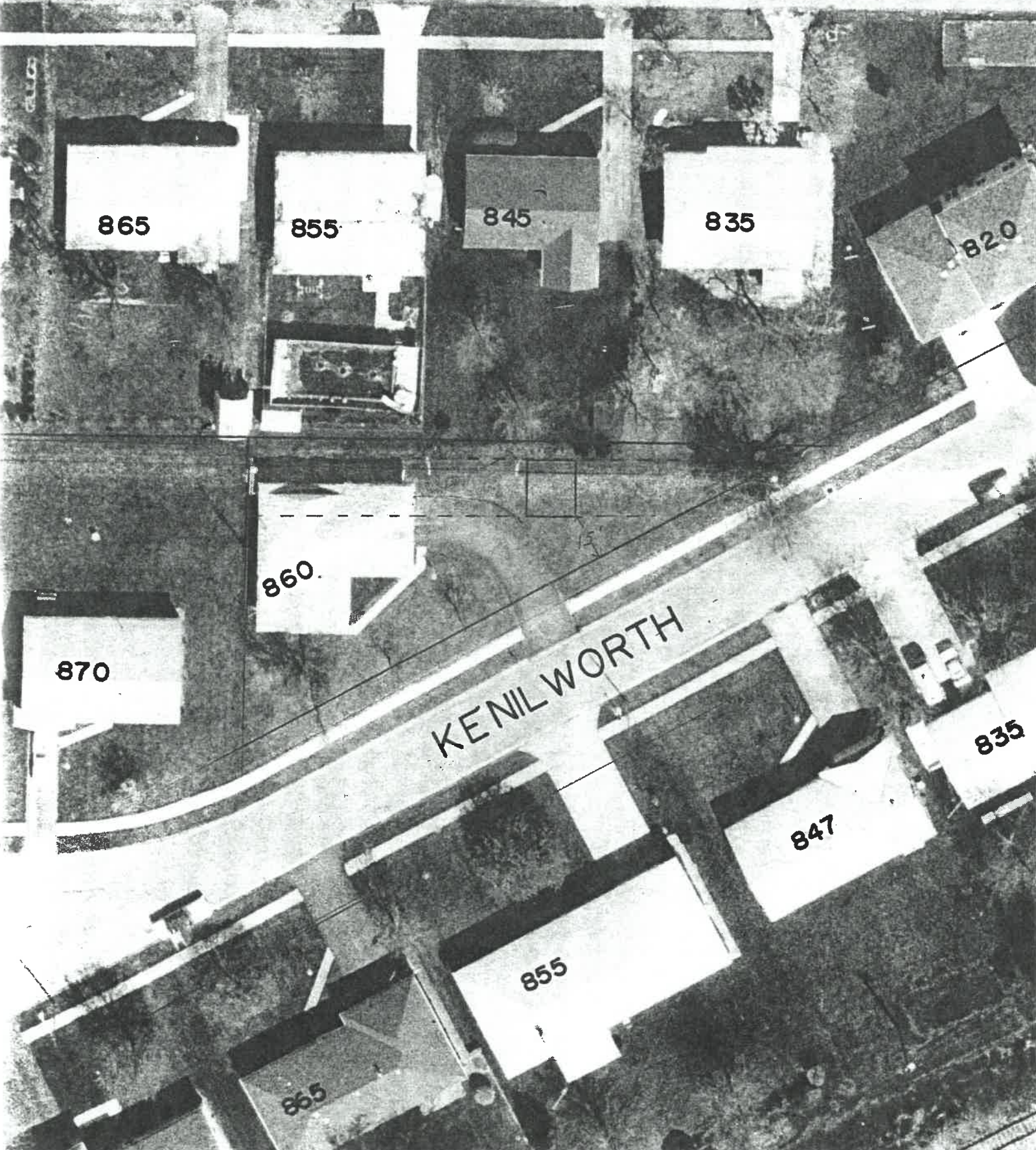
#### CONSIDERATIONS

The Board shall not render a decision on this request until it has reviewed the following standards for variation.

The standards for variation to be considered are as follows:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district.
- (b) That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- (d) That the granting of such a Variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

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