

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Roger O. Freytag, Zoning Administrator ROF
SUBJECT: Request for Variance - Eula Burnett
Accessory buildings.
DATE: July 15, 1988 BZA88-08

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for the location of an accessory building that was under construction.

BACKGROUND

A request has been received from Jimmie Deel on behalf of Eula Burnett at 1102 Willard Street for a Variance to complete the construction of an accessory building. The builder of the building had recommended to the owner that a Variance should be applied for.

During the investigation it was found that 3 buildings are within the required rear and front yard setbacks. These buildings were allegedly built after 1980 and without building permits.

There is also a problem with 3 buildings existing on a lot. Section 151.33(B) says that in an "A" Residential District except when permitted by a Special Use Permit, not more than 1 other structure besides the house may exist on a lot.

I have discussed these problems with both Jimmie and Eula and have asked them if they wanted to include these problems in with their request for Variance. They have told me no.

If there are no complaints from any other properties, I would ask the Board to consider granting a Variance to cover all of these conditions just as they exist with the condition that the Variance ends when the property is no longer owned by either person. I would be willing to do this based on the fact that Jimmie came in on his own and requested the Variance for the one his builder made him aware of.

I believe the Standards of Variations could be met for the following reasons:

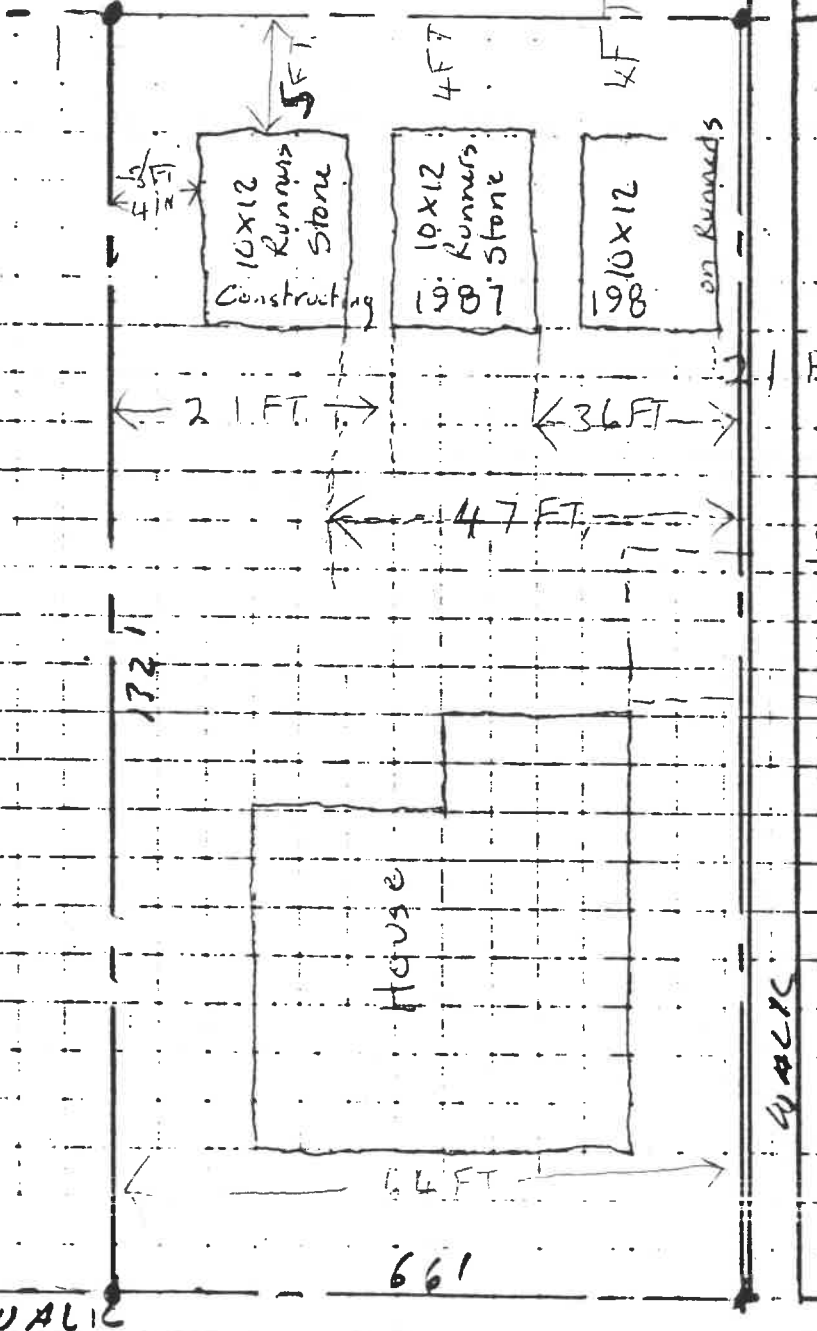
- a) That there are exceptional circumstances because of the property owners background or understanding of the City Zoning Code.

- b) That such Variance is necessary for the enjoyment of an unenforced right used by other properties in that immediate area.
- c) As long as there are no complaints from surrounding property owners the granting of such a Variance would not be materially detrimental to the public welfare or injurious to property in the vicinity.
- d) As long as there are no complaints from surrounding property owners, the granting of such a Variance would not alter the land use characteristics or diminish the value of adjacent land.

ROF:skw

Jimmie Deel
Owner Eula Burnett

ALLEY



on Runners

OHIO ST. 66' R.O.W.

WILLARD ST. 66' R.O.W.