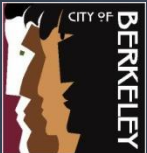


APPEAL  
ZP #2018-0021  
1722 Walnut Street

Leslie Mendez, Senior Planner

April 23, 2019

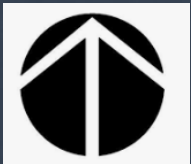
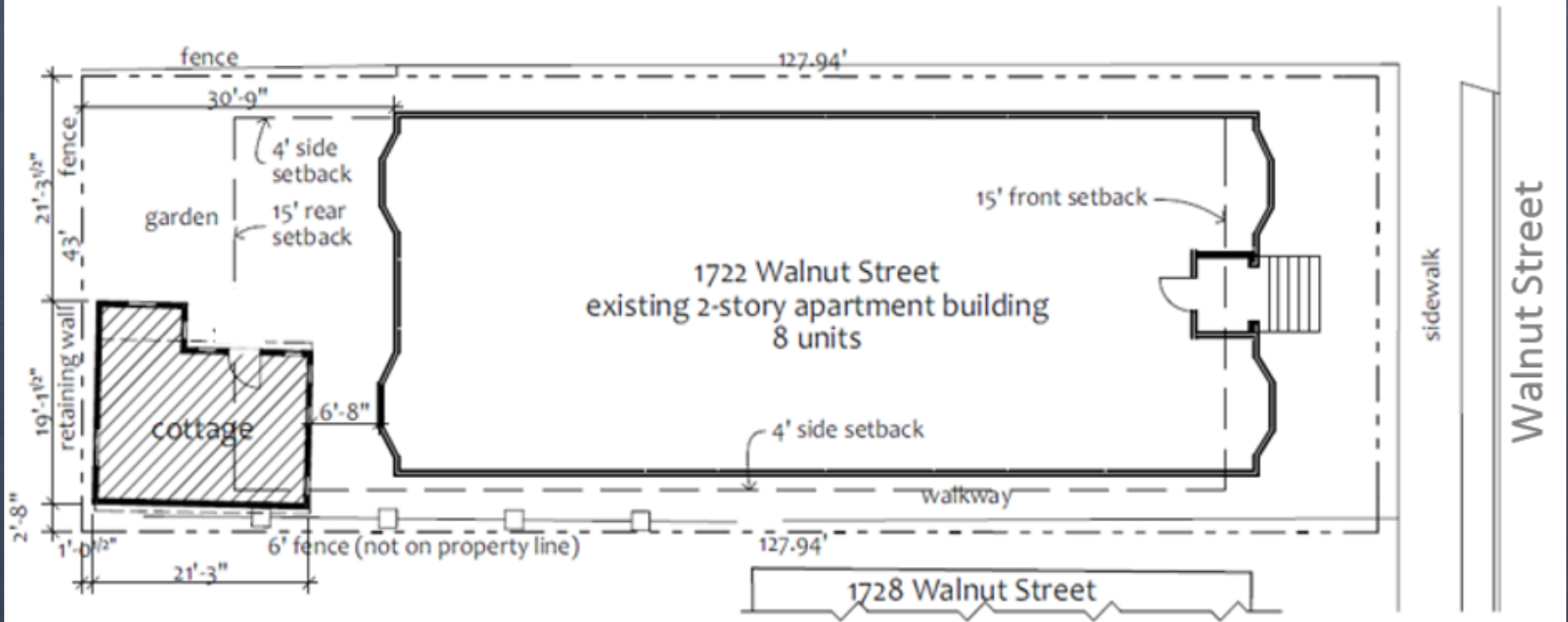


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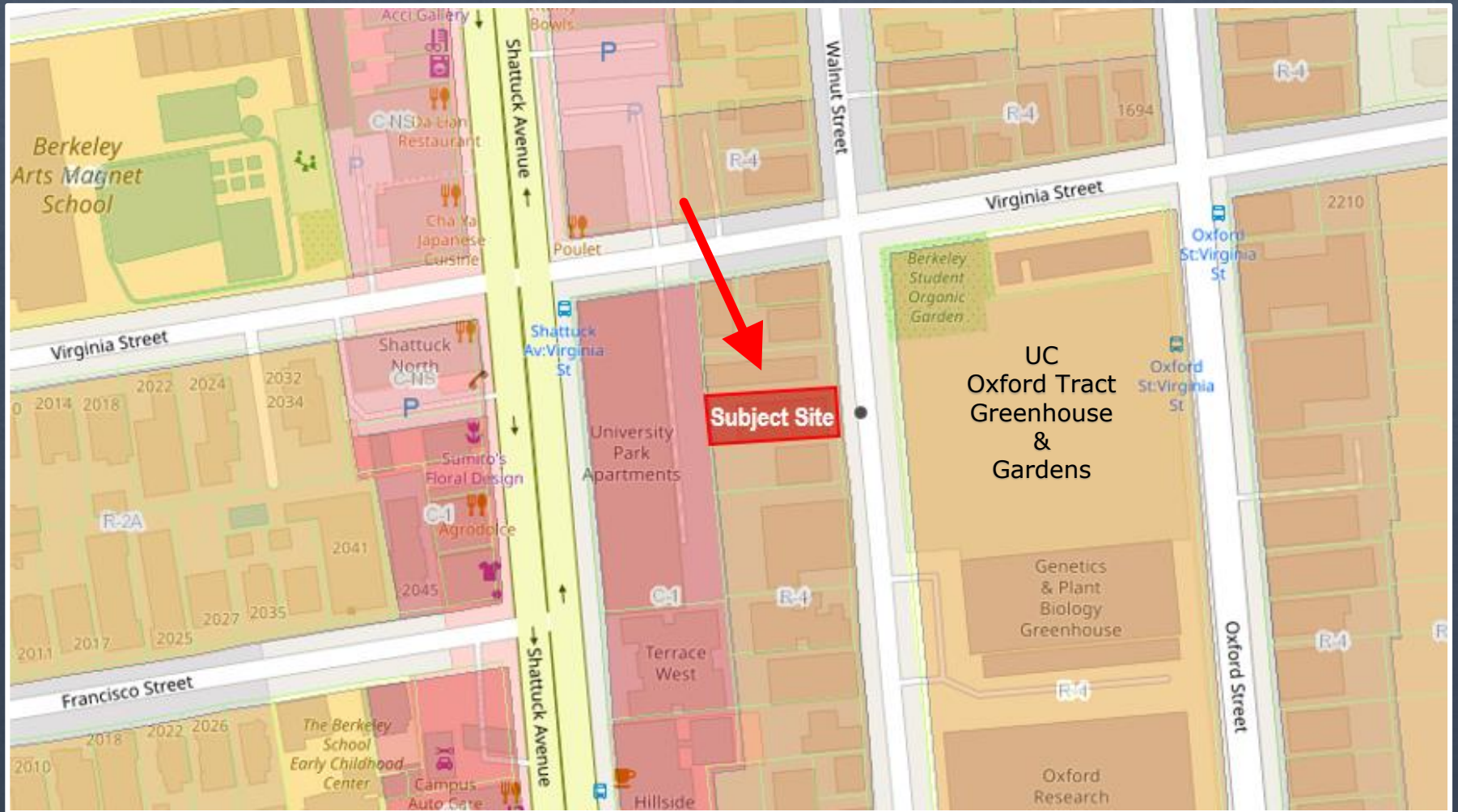
# Background

- ◇ November 2017: Property Owner received Notice of Violation for illegal, detached 354-square-foot dwelling unit behind legal 8-unit apartment building
- ◇ January 28, 2018: Property Owner submitted Use Permit and Variance Application to legalize the unit
- ◇ November 8, 2018: ZAB denied the Use Permit and Variance application due to inability to make the Variance findings

# Proposed Site Plan



# Vicinity/Zoning Map





# Use Permit...

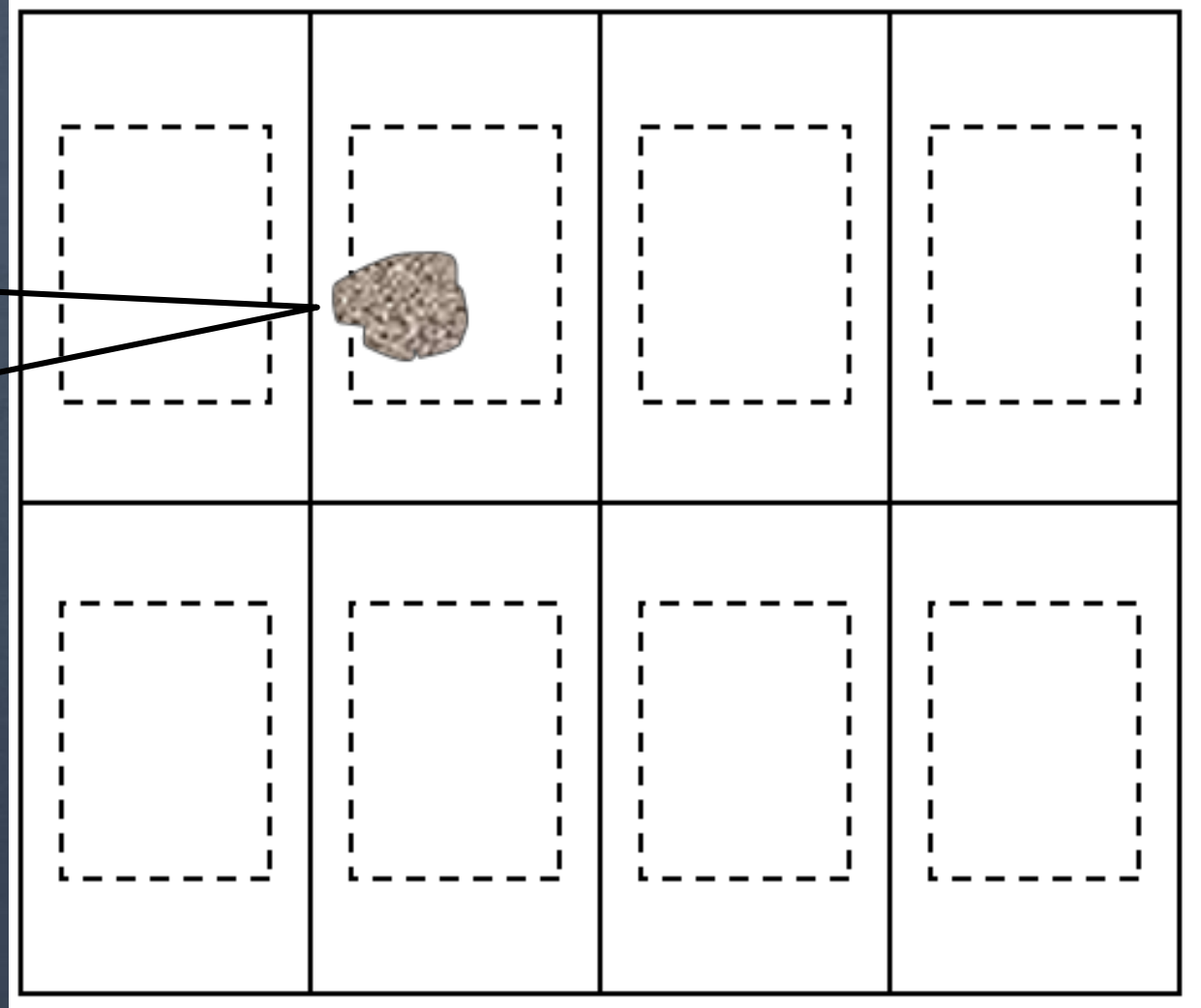
- ◆ Approval for permitted uses and development standards
- ◆ Listed in the applicable zoning district regulations
- ◆ Allows for flexibility and analysis within framework of the Zoning Ordinance



# Variance...

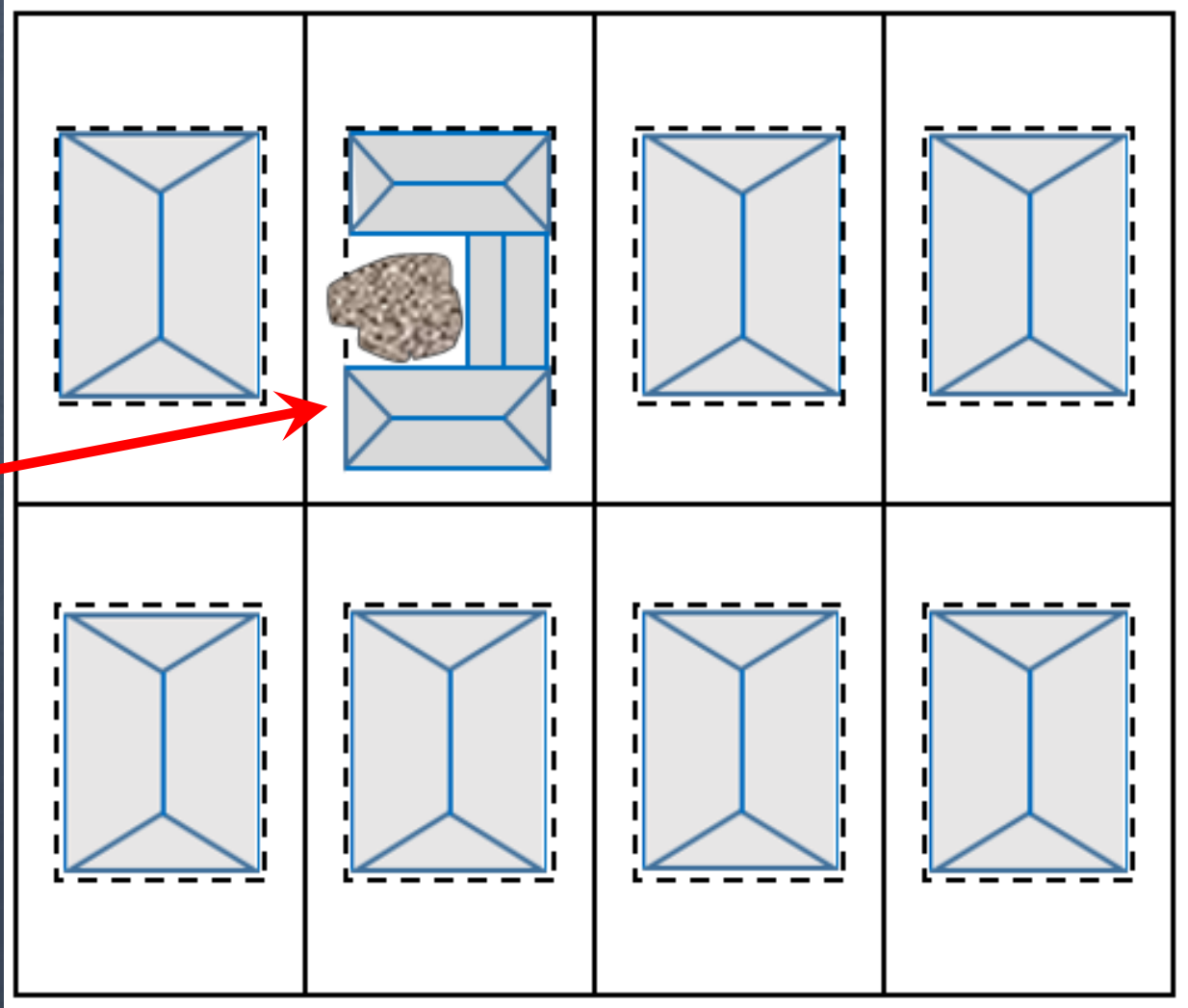
- ◆ Deviation from current zoning requirements
- ◆ Grants non-compliance with standards required of other properties in the same zone
- ◆ Only approvable when, due to unique physical characteristics, zoning regulations present a practical difficulty in making use of the property according to standards

# Variance Example:



# Variance Example:

Variance  
from  
Required  
Rear Yard  
Setback





# Variiances Required:

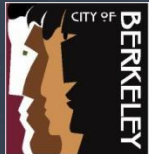
- ◆ Decrease 4' left side yard setback to 2.2'
- ◆ Increase non-conforming 60% lot coverage to 61%, 45% max. permissible
- ◆ Provide no Useable Open Space, 200 sq. ft. min. required
- ◆ Further decrease non-conforming Useable Open Space on lot to 990 sq. ft., 1,800 sq. ft. min. required
- ◆ Provide no off-street parking space, 1 min. required

# **BMC Variance Findings (all must apply)**

- ◆ Exceptional circumstances uniquely apply to the property
- ◆ Necessary for the preservation and enjoyment of substantial property rights
- ◆ Non-detriment

# Reasons for ZAB denial:

- ◆ Project is inconsistent with the development standards of the Zoning District
- ◆ Project fails to meet Purposes of the District
- ◆ Variance findings cannot be made



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QUESTIONS?