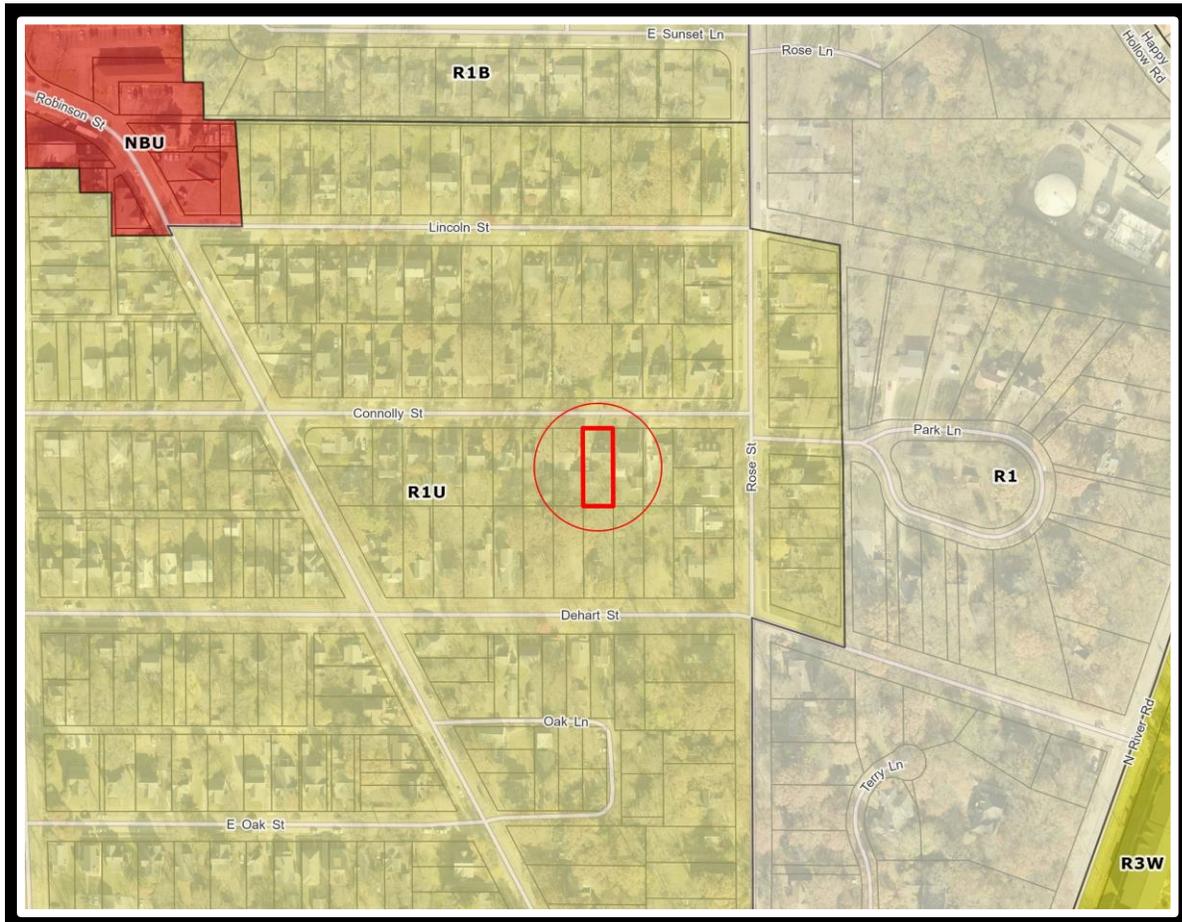

**BZA-2077
JOHN SPALDING
(variance)**

**STAFF REPORT
May 19, 2022**



BZA-2077
JOHN SPALDING
Variance

Staff Report
May 19, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner is requesting a variance to reduce a side setback from the minimum required 4' to 2.5' for the construction of a 576 sq. ft garage in an R1U zone. The property is located at 241 Connolly Street in West Lafayette, Wabash 17(SE) 23-4. (UZO 4-2-2)

AREA ZONING PATTERNS:

The subject site is zoned R1U as is all surrounding sites. There is R1 zoning to the east, R1B to the north and a spot of NBU to the northwest along Robinson St.

AREA LAND USE PATTERNS:

The site contains a single-family residence and detached garage. Petitioner is planning to demolish the existing garage with a 2.5' side setback and replace it with a larger two-car garage that is 576 sq. ft.

The site is located in a densely populated, single-family portion of the New Chauncey neighborhood. The site is also located within the New Chauncey Local Historic District. R1U zoning can be found in all directions from Lincoln to Fowler (north to south) and Grant to Rose (east to west). R1U zoning replaced R1B as part of an overall city rezone (Z-1996) that was approved in February 2001 after the adoption of the current zoning ordinance. The urban (U) designation recognizes that this neighborhood was developed on smaller lots and reduces the required side setbacks from 6' to 4' for accessory structures.

There have been numerous variance requests in this neighborhood along Connolly St as well as along Lincoln St to the north (BZA-0086, BZA-1149, BZA-1417, BZA-1587, BZA-1873, BZA-1914). The most recent, BZA-1914, was a similar request on Connolly St and the ABZA granted a reduction of a side setback to 2' for a detached two-car garage.

TRAFFIC AND TRANSPORTATION:

Connolly Street is an urban local road according to the adopted *Thoroughfare Plan*. The parking requirement of 2 spaces per dwelling is met given the length of the driveway.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site. Power lines run along the rear of the property; it is unknown what other utilities exist along this property line. The addition was platted in the 1930's when utility easements were not generally created by recording a plat as many are today.

The home does not currently meet the eastern setback of 6'. However, the home was

built in 1935 which predates the UZO. Thus, the home is legally nonconforming. There are no bufferyard requirements since all bordering lots are also zoned R1U.

STAFF COMMENTS:

Petitioner is asking for relief from the side setback in order to replace their existing garage with a new 576 sq. ft garage. Petitioner states that the new structure will not be any closer to the adjacent property than the existing garage. Also, they wish to keep this location in order to keep the existing driveway as is. The petitioner also states a side yard of 4' would make it exceptionally difficult to make a turn into a garage with an increased footprint with today's vehicles.

Two parking spaces per dwelling unit are required, but the ordinance does not specify that the spaces must be covered. This site could support two spaces in its driveway or in a conforming garage. It is only petitioner's desire to replace the garage in its current location and size that is the basis for this request. A garage could be built with a 4' side setback and a 6' rear setback without the need for variances. If there is concern about the ability of a car to negotiate the tight turn around the house, the garage could be built closer to the southwest corner of the lot without the need for any variances.

In all, staff could not find a hardship as a garage is not a necessity for a single-family home and this lot is no different than the other lots on Connolly Street.

Regarding the ballot items:

1. The Area Plan Commission May 18, 2021 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Allowing this garage in the setback does not pose a safety concern for the public travelling along Connolly or create an issue with sight line visibilities for adjacent properties.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Allowing this structure to be built in the setback will not affect the way neighboring owners use their properties.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. Most lots along Connolly St are similar in size to this site. Approximately half of the homes have a two-car garage on site and only one variance has been granted (BZA-1914).
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. While this could be considered a practical difficulty, Tippecanoe County's UZO has stricter standards requiring an unusual and unnecessary hardship to be found. It is only the petitioner's desire to construct this new garage in the setback that is the motivation for this

request. Petitioner could replace the existing structure with a larger garage in an alternate location and still meet all setbacks.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

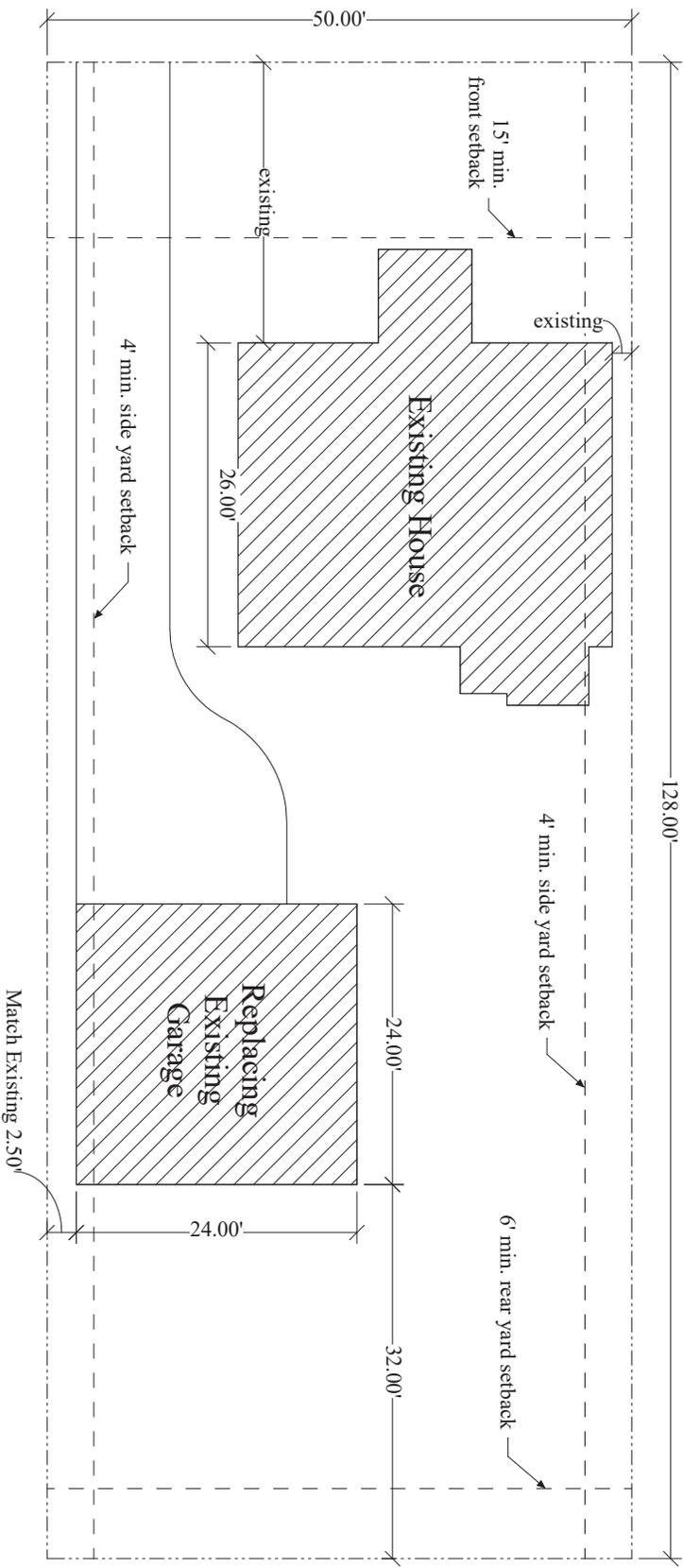
5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. If denied the petitioner could still use the site as a single-family residence which they are currently doing or move the location of the garage to meet setbacks.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief because this building is not required for this site to be used as single-family residence. Additionally, a conforming 2-car garage can still be back within regular setbacks.

STAFF RECOMMENDATION:

Denial

Height of house: approx 28ft
 Proposed garage height: 18.5ft
 House: 947 sf
 Proposed Garage: 576 sf
 Lot Coverage: 23.8%



1
 SP1.0
SITE PLAN

1" = 10'-0"



	SITE PLAN FOOTAGE
	Garage: 576 Total: 576

Site Plan

SP1.0

Documentation

1. This drawing is a preliminary design and is not to be used for construction without the approval of the architect.

2. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

3. The architect is not responsible for any errors or omissions in this drawing.

4. The architect is not responsible for any construction methods or materials used in the construction of the project.

Plan For: Spalding Residence

Location: 241 Connolly Street
 West Lafayette, IN 46544

SPALDING DESIGN GROUP

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DATE	NO. 1
DESIGNED BY	SPALDING
DRAWN BY	SPALDING
CHECKED BY	SPALDING
IN CHARGE	SPALDING