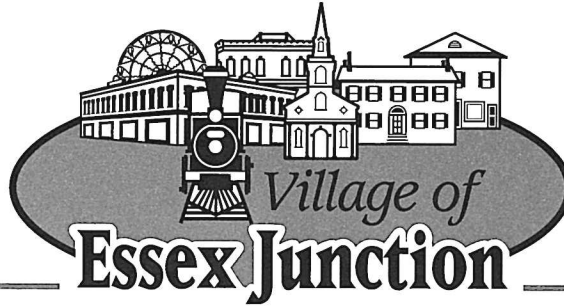



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Staff Report

To: Zoning Board of Adjustment
From: Robin Pierce, Community Development Director 
Date: August 20, 2019
Re: Variance application for a cooling system three (3) feet from side property line at 135 Pearl Street in the HA District by Helmut A. Lenes, owner.

EXISTING CONDITIONS AND GENERAL INFORMATION:

Review Procedure: Variance Application

Project Location: 135 Pearl Street

Parcel Size: 45,491 square feet.

Lot Frontage: 190 feet.

Existing Land Use: Mixed use commercial.

Surrounding Land-Use: Mixed use commercial, CVE

Existing Zoning: Highway Arterial District

Lot Coverage proposed: 69%

Permitted total lot coverage: 65%, 80% with waiver.

Project Description: Variance Application to place a 36" x 80" cooling system for a new ice skating facility businesses within the ten foot side yard setback. The applicant looked at placing the device on the roof of the building and several other locations. For maintenance and efficient use of the system the proposed location was the only one that met the needs of the facility and the manufacturer's placement requirements. The device is three foot wide and needs to be four foot from a building which leaves three foot of clearance from the property line.

Statement:

- 1) The subject property is located at 135 Pearl Street in the HA District with a lot size of approximately 45,491 square feet.
- 2) The minimum lot size in the HA District is 10,000 square feet.
- 3) The owner of record is Helmut A. Lenes.
- 4) Section 605.C.2 of the Code requires a minimum side yard setback of 10` feet for all structures.
- 5) The applicant requests a variance of 7` for the cooling system location.
- 6) The maximum permitted total lot coverage in the HA District is 65% (80% with a waiver); The total lot coverage is 69%
- 7) The subject lot is 191 feet wide at the rear and 190 feet at the front.
- 8) The applicant must demonstrate that the variance request meets criteria of Section 1703.C, which includes the following:
 - (1) That the hardship has not been created by the applicant. A financial hardship shall not be deemed material evidence of hardship.
 - (2) That there are unique physical characteristics including narrow, shallow, or irregular lots which do not allow the property to be used as intended within the District.
 - (3) That there are unique topographical features upon the lot which do not allow the property to be used as intended within the District.
 - (4) That physical and topographic conditions are unique to the particular parcel and are not the result of circumstances or conditions generally created by the provisions of this Code and there is no possibility for the property to be developed as intended without approval of a variance.
 - (5) That the relief granted would be the minimum variance necessary to enable the reasonable use of the property.
 - (6) That the variance, if authorized, will not alter the character of the surrounding neighborhood or impair the appropriate use or development of property, reduce access to renewable energy resources, nor be detrimental to the public health, safety, or welfare.