

City of South Bend

BOARD OF ZONING APPEALS

AGENDA

Monday, January 6, 2025 - 4:00 p.m.

County-City Building
Fourth-Floor Council Chambers
www.tinyurl.com/sbbza

ADMINISTRATIVE ITEMS:

1. Election of Officers

PUBLIC HEARING:

1. **Location:** 2114 JEFFERSON BLVD BZA#0299-25
Owner: GOETZ JOHN C & MAUREEN C
Requested Action: Variance(s):
 - 1) To allow a detached ancillary dwelling unit that is 10' 6" taller than the primary building**Zoning:** S1 Suburban Neighborhood 1
2. **Location:** 520 S. FRANCES ST BZA#0300-25
Owner: EAC SOUTH BEND LLC
Requested Action: Variance(s):
 - 1) To allow a deck over 30" tall within the front setback**Zoning:** U1 Urban Neighborhood 1
3. **Location:** 614 LAPORTE AVE BZA#0301-25
Owner: NORTHWOOD INVESTMENTS LLC
Requested Action: Variance(s):
 - 1) From the minimum setback of a frontage type of 10' to 4'**Zoning:** U1 Urban Neighborhood 1
4. **Location:** 112 W JEFFERSON BLVD BZA#0302-25
Owner: CHELO WEST JEFFERSON LLC
Requested Action: Variance(s):
 - 1) To allow a wall sign that extends above the window sills of the second story when the establishment does not extend to the second story or above**Zoning:** DT Downtown
5. **Location:** 6634 LEEWAY DR BZA#0303-25
Owner: CHAPO KENNETH R AND VAUGHN-CHAPO PENNY A
Requested Action: Variance(s):
 - 1) From the maximum of one curb cut per street frontage to two**Zoning:** S1 Suburban Neighborhood 1

City of South Bend **BOARD OF ZONING APPEALS**

6. **Location:** 501 N. HILL ST BZA#0304-25
Owner: UNIVERSITY OF NOTRE DAME DU LAC
Requested Action: Variance(s):
 1) From the maximum of 100' between entries to 132'
 2) From the minimum ground floor transparency of 60% to 51%
Zoning: NC Neighborhood Center
7. **Location:** 320 E JEFFERSON BLVD BZA#0305-25
Owner: HP BLACKBIRD LLC
Requested Action: Variance(s):
 1) From the maximum width of a stacked flats building type in a DT zoning district of 200' to 313' and 361'
 2) From the minimum height of a stoop of 18" above the sidewalk to 6" with a gated patio
 3) From the maximum front setback of 10' to 225'
Zoning: DT Downtown
8. **Location:** 616 REX ST BZA#0306-25
Owner: JOAN DOWNS HOLDINGS LLC
Requested Action: Variance(s):
 1) From the minimum side yard setback for a frontage type of 5' to 0'
 2) From the minimum front yard setback for a frontage type of 10' to 7' 8"
Zoning: U1 Urban Neighborhood 1

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact- December 2, 2024
2. Minutes – December 2, 2024
3. Other Business
4. Adjournment

NOTICE FOR HEARING AND SIGN IMPAIRED PERSONS

Auxiliary Aid or other services may be available upon request at no charge. Please give reasonable advance request when possible.

Property Information

Location: 2114 JEFFERSON BLVD
Owner: GOETZ JOHN C & MAUREEN C

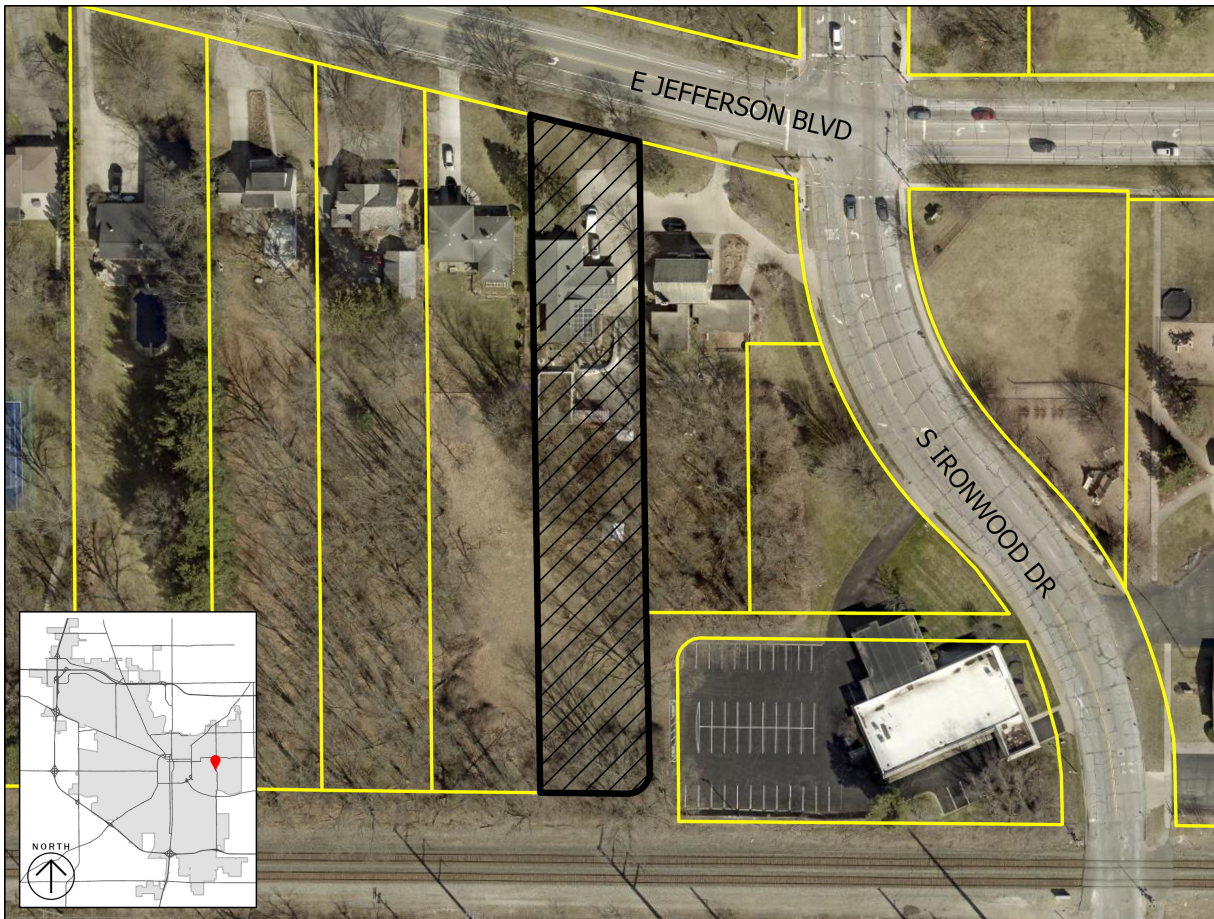
Project Summary

Construction of carriage house ADU atop existing detached 36x24 garage structure, finished area of ADU will be about 750 sqft. ADU will have 8' ceiling with a 4:12 pitch gable end roof. Existing garage is about 7.5' below the primary house's elevation. Primary home is 1 story (roughly 14' to peak)

Requested Action

Variance(s):

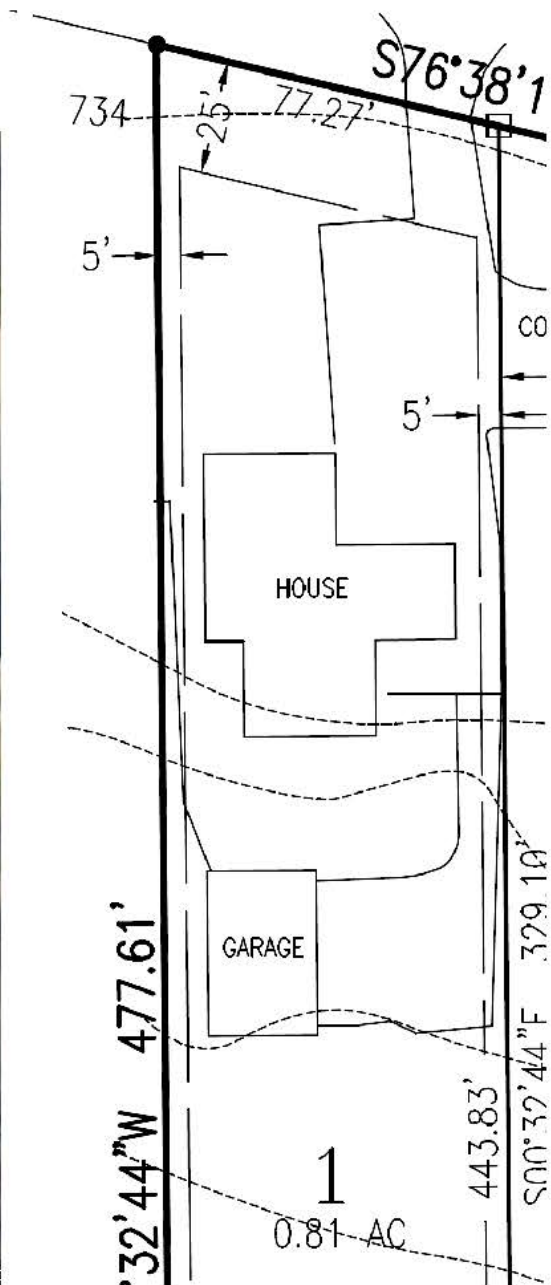
- 1) To allow a detached ancillary dwelling unit that is 10' 6" taller than the primary building
-

Site Location

Staff Recommendation

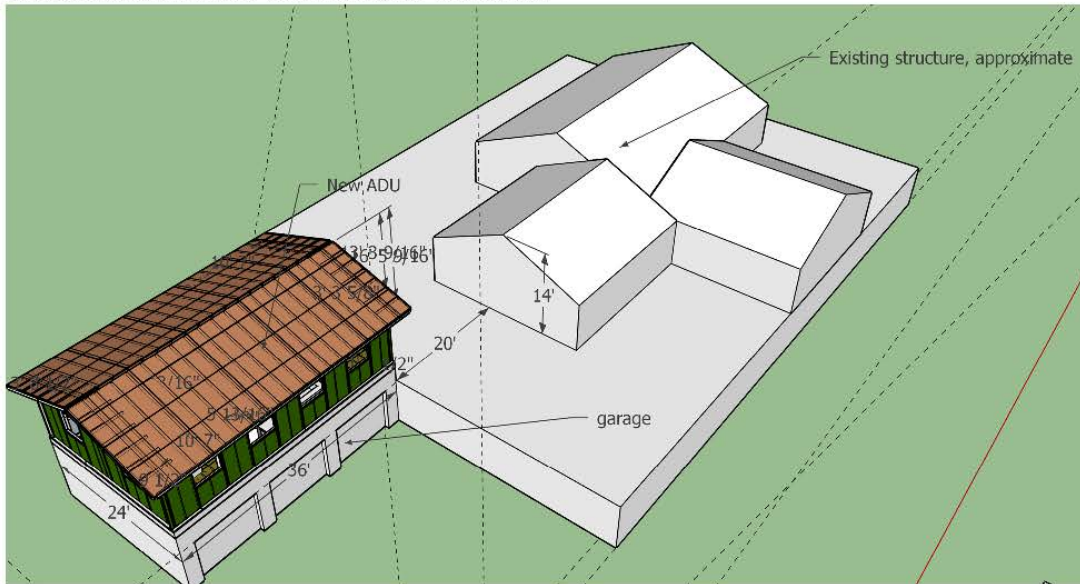
Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Proposed Site Plan



Proposed Site Plan

Rendering of ADU with approximation of primary home for dimensional references. The back of the garage is in line with the western edge of the house.



Important building dimensions for variance. I haven't completed my design for the porch and step, but this is approximately what it will be. All other dimensions should be within a few inches of actual. It's not clear in the picture, but the 13' dimension is the height of the ADU above the existing garage, the 16' dimension is the height of the ADU above the grade of the house. In reality there is a slope between the house and garage with a fall of about 6-8 inches towards the garage that I have not rendered (there is also a stairwell down to the garage next to where the porch is located that I have not rendered). The 7' 6" dimension is how much lower the grade of the garage is below the grade of the house.



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variance should not be injurious to the general welfare of the community. The ADU will be set over 170' from the front property line and with a steep grade behind the primary structure, will be 2' 6" taller than the house, making the ADU imperceptible from the street.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of adjacent properties should not be adversely affected. A primary structure could be built to a height of 2.5 stories and 35'. With the steep topography in the rear yard, the ADU will be 2' 6" taller than the 14' tall primary structure.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

A strict application of the ordinance would result in practical difficulties in the use of the property. The ADU is clearly incidental and subordinate to the primary structure and is not visible from the street, but could not be constructed as proposed due to the 14' height of the primary structure.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The ADU will not be visible from the primary street and will be clearly incidental and subordinate to the primary structure, meeting the intent of the ordinance.

(5) The variance does not correct a hardship cause by a former or current owner of the property

The 14' height of the primary structure substantially limits the height of the ADU. The proposed ADU, despite exceeding the height of the primary structure, meets the intent of the ordinance in being clearly incidental and subordinate to the primary structure.

Analysis & Recommendation

Analysis: The ADU will be set over 170' from the front property line and, with a steep grade behind the primary structure, will be 2' 6" taller than the house, making it imperceptible from the street. The proposed ADU will be clearly incidental and subordinate to the primary structure, meeting the intent of the ordinance.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Property Information

Location: 520 S. FRANCES ST
Owner: EAC SOUTH BEND LLC

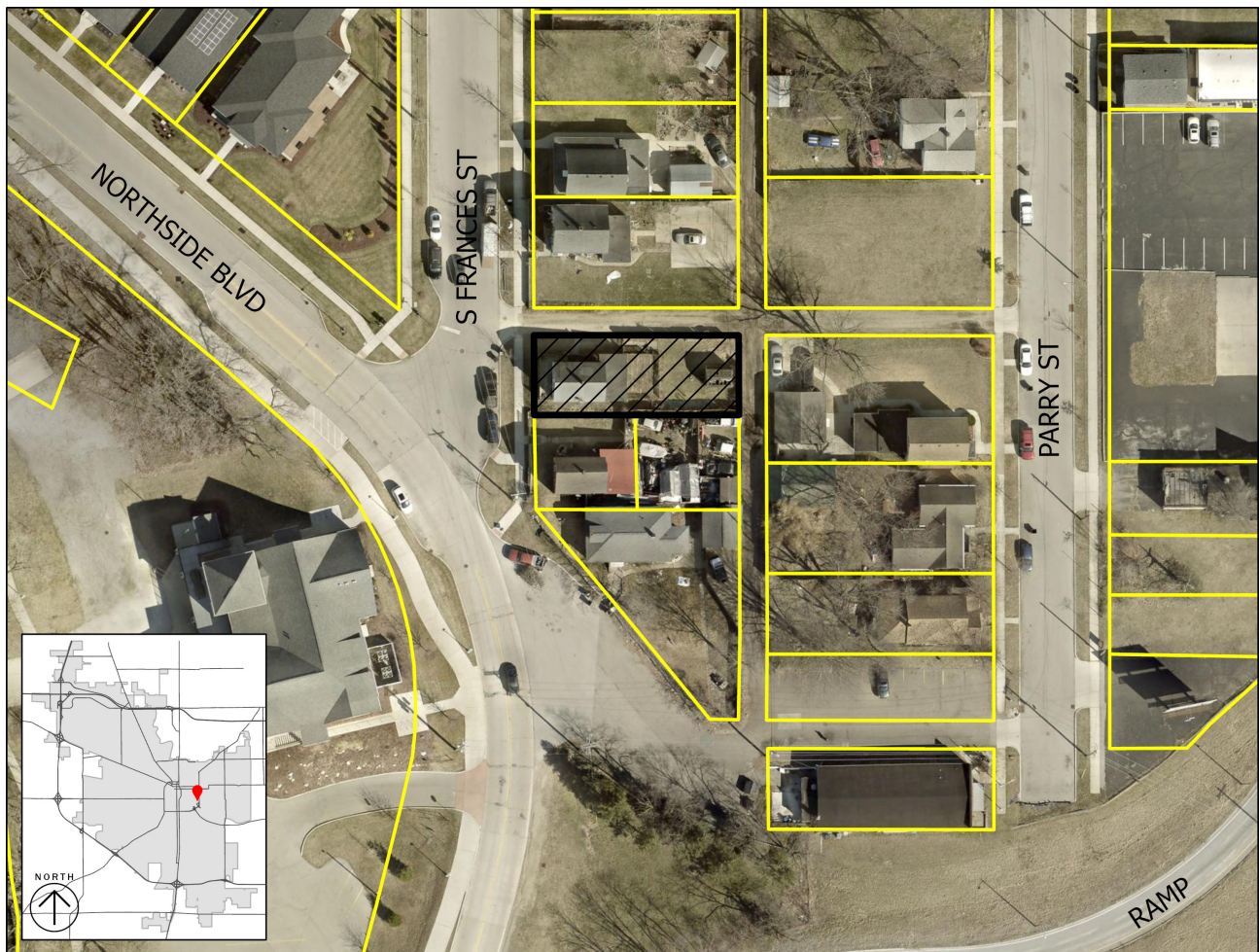
Project Summary

New deck in front of house by street. Deck is 18' wide and 10' 3" long. Deck is 19" in height by house 37" high at tallest point. Deck will sit 4' 6" from sidewalk.

Requested Action

Variance(s):

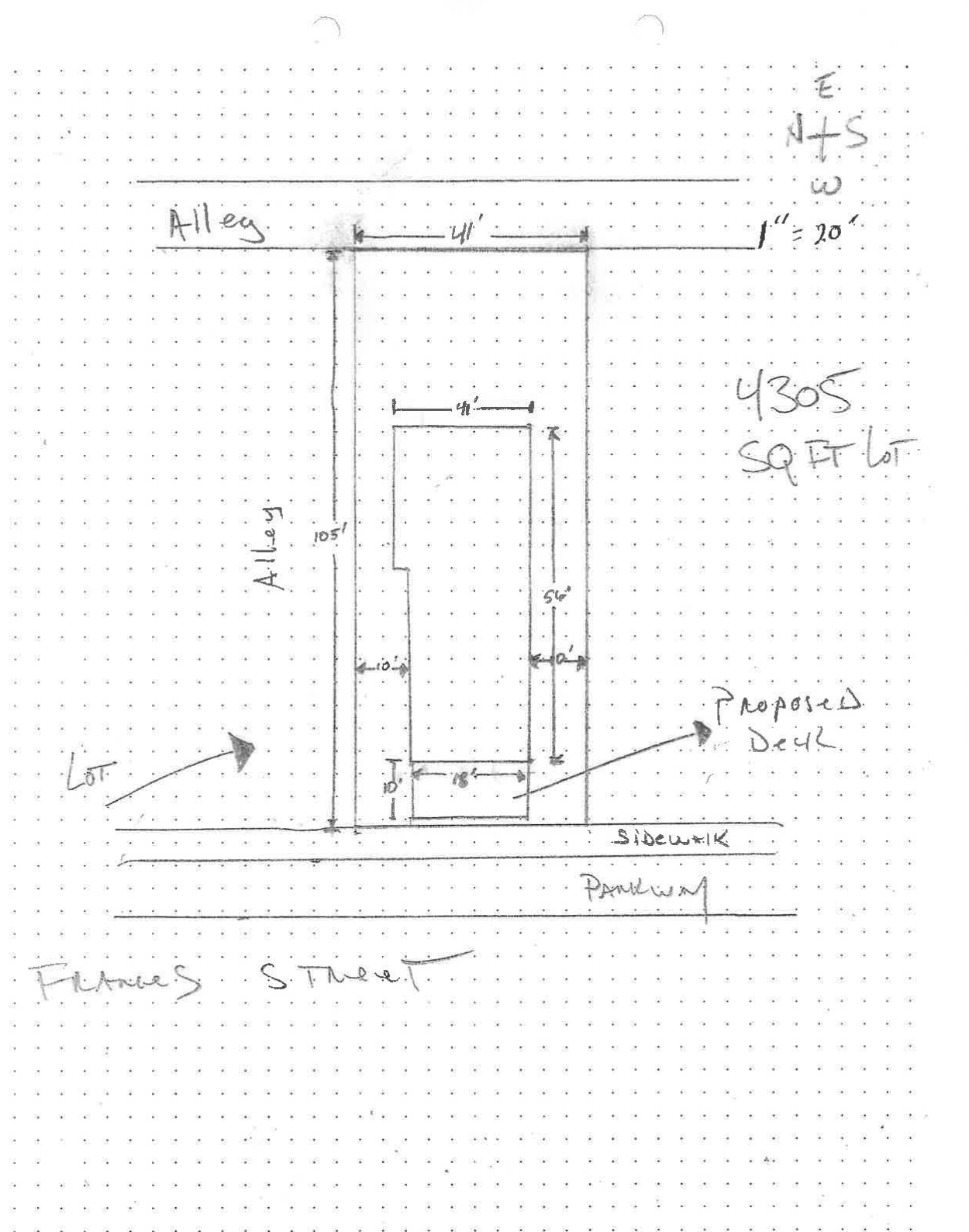
- 1) To allow a deck over 30" tall within the front setback

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as requested.

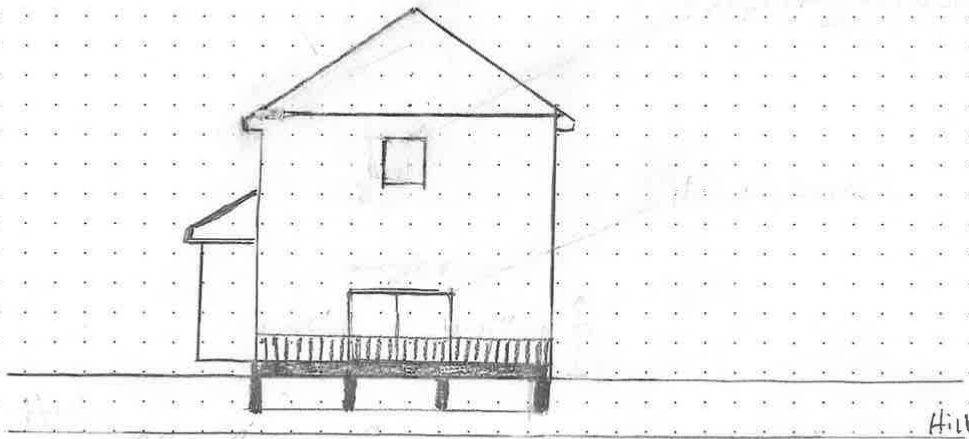
Proposed Site Plan



Proposed Site Plan

520 FRANCES
SOUTH BEND IN 46617

FRONT of House DRAWING
FOR DOOR



520 FRANCES ST
STREET

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variance may be injurious to the public health, safety, morals, and general welfare of the community because it would be out of character with the area and not meet the intent of the ordinance.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property could be affected in an adverse manner if the variance was granted. Approving a large deck in the front setback, possibly in City right-of-way, would be out of character for the area and contrary to the intent of the ordinance.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter would not result in practical difficulties in the use of the property. The deck could have been modified in a way that met the zoning ordinance. The deck could still be designed as a frontage type, no less than 18" from the front property line with a connection to the City sidewalk.

(4) The variance granted is the minimum necessary

Since there are no practical difficulties to overcome, the variance requested is not the minimum necessary.

(5) The variance does not correct a hardship cause by a former or current owner of the property

There is no hardship on the property. The deck was modified without the appropriate approval and permits from the building department. Had the applicant applied for building permits, they would have been made aware of the applicable regulations.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics that would warrant a deck being built within the front setback, possibly City right-of-way. The petitioner increased the size of the front deck without first obtaining a building permit. There is nothing preventing the deck from being constructed in conformance with the zoning ordinance. Staff could be favorable if it were designed as a frontage type with the deck no closer than 18" from the front property line with a connection to the City sidewalk.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as requested.

Property Information

Location: 614 LAPORTE AVE
Owner: NORTHWOOD INVESTMENTS LLC

Project Summary

Replacing a damaged front porch with a new stoop.

Requested Action

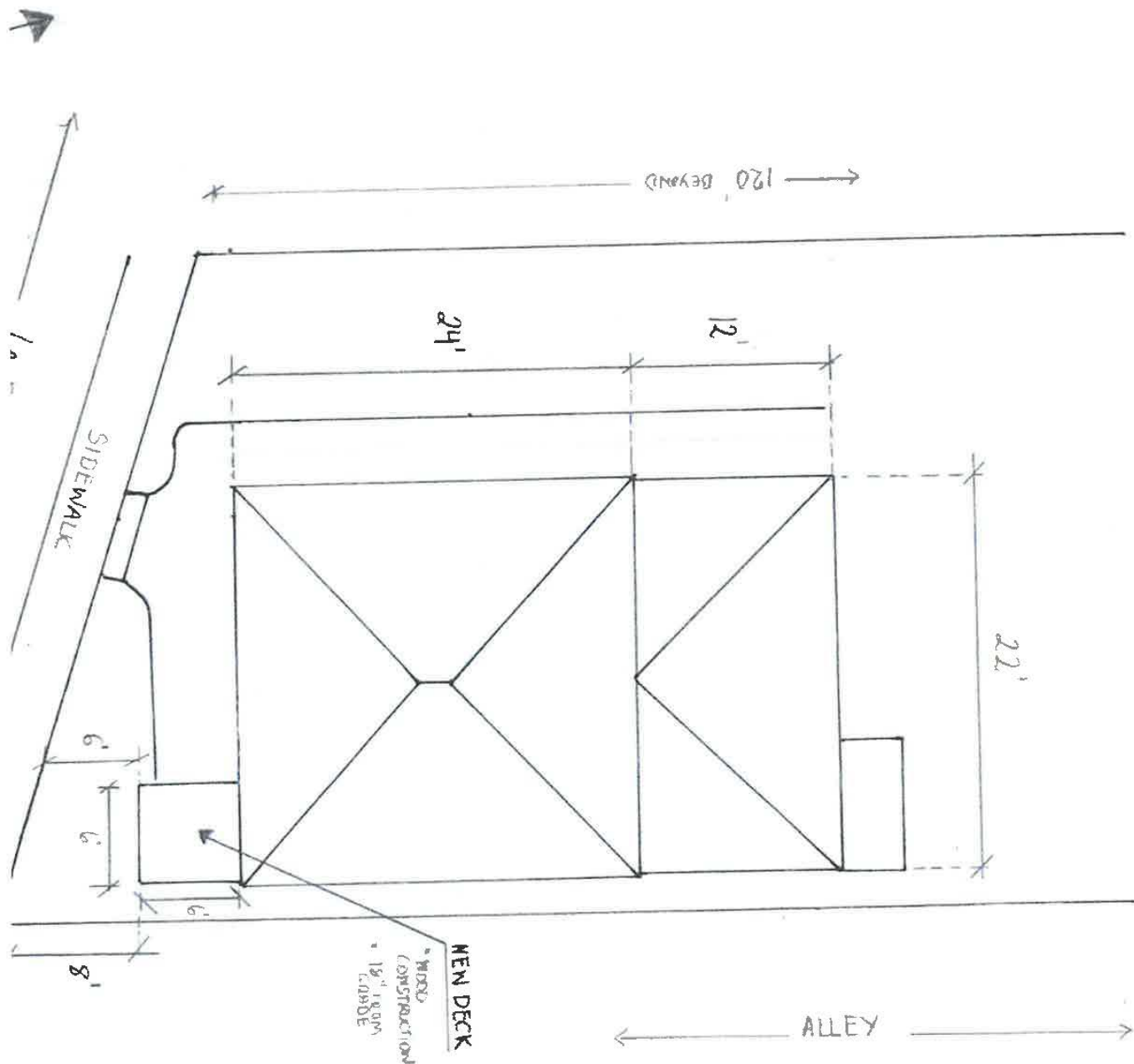
Variance(s):
1) From the minimum setback of a frontage type of 10' to 4'

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval should not be injurious to the public health, safety, morals and general welfare of the community as the stoop provides a safe, covered, and zoning compliant frontage type for entry into the house.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner. A stoop existed for many years and was recently damaged. The new stoop will cover a smaller footprint, will not pose a visibility issue, and will provide a zoning compliant frontage type to enter the house.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. The house is constructed 7' from the property line at the closest point, and 12' from the property line at the furthest. The minimum depth for a stoop is 4', so building a zoning compliant frontage type would encroach into the minimum front setback of 10' for a frontage type due to the siting of the house on the property.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The house is constructed between 7' and 12' from the property line. The minimum depth for a stoop is 4', which would encroach into the required 10' setback for a frontage type. A variance is necessary to build a zoning compliant frontage.

(5) The variance does not correct a hardship cause by a former or current owner of the property

The house was constructed in 1890 with a small setback to the street. The stoop that was damaged already fell within the minimum setback for a frontage type and the owner is now looking to replace that damaged frontage type with one that has a smaller footprint.

Analysis & Recommendation

Analysis: Building a zoning compliant frontage type would encroach into the minimum front setback due to the siting of the house on the lot. The owner is looking to replace a damaged porch with a stoop that has a smaller footprint.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Property Information

Location: 112 W JEFFERSON BLVD
Owner: CHELO WEST JEFFERSON LLC

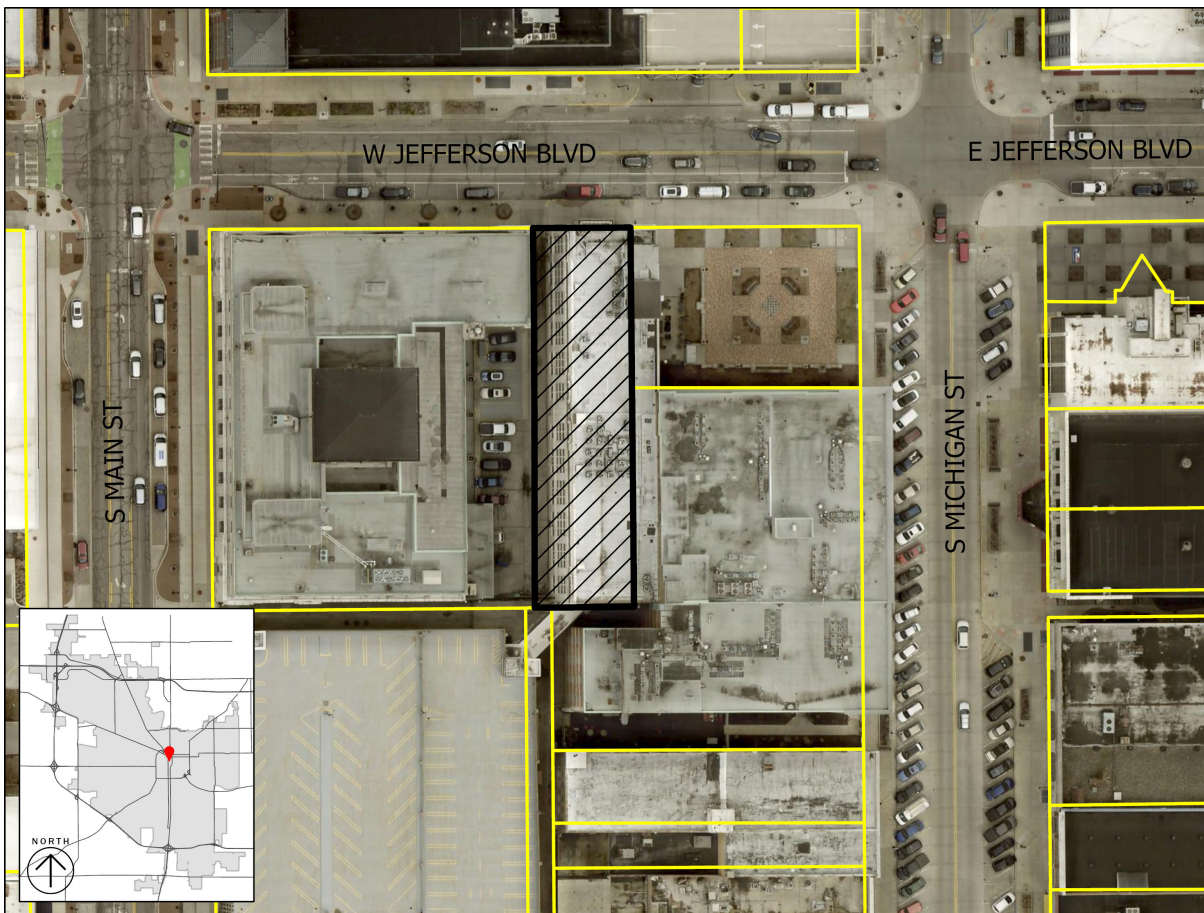
Project Summary

This application represents a request to add a unique lighting feature to the exterior of the 112 West Jefferson Blvd facade. The lighting feature will contain the logo of "the Exchange" which is located on the first floor of this building.

Requested Action

Variance(s):

- 1) To allow a wall sign that extends above the window sills of the second story when the establishment does not extend to the second story or above

Site Location

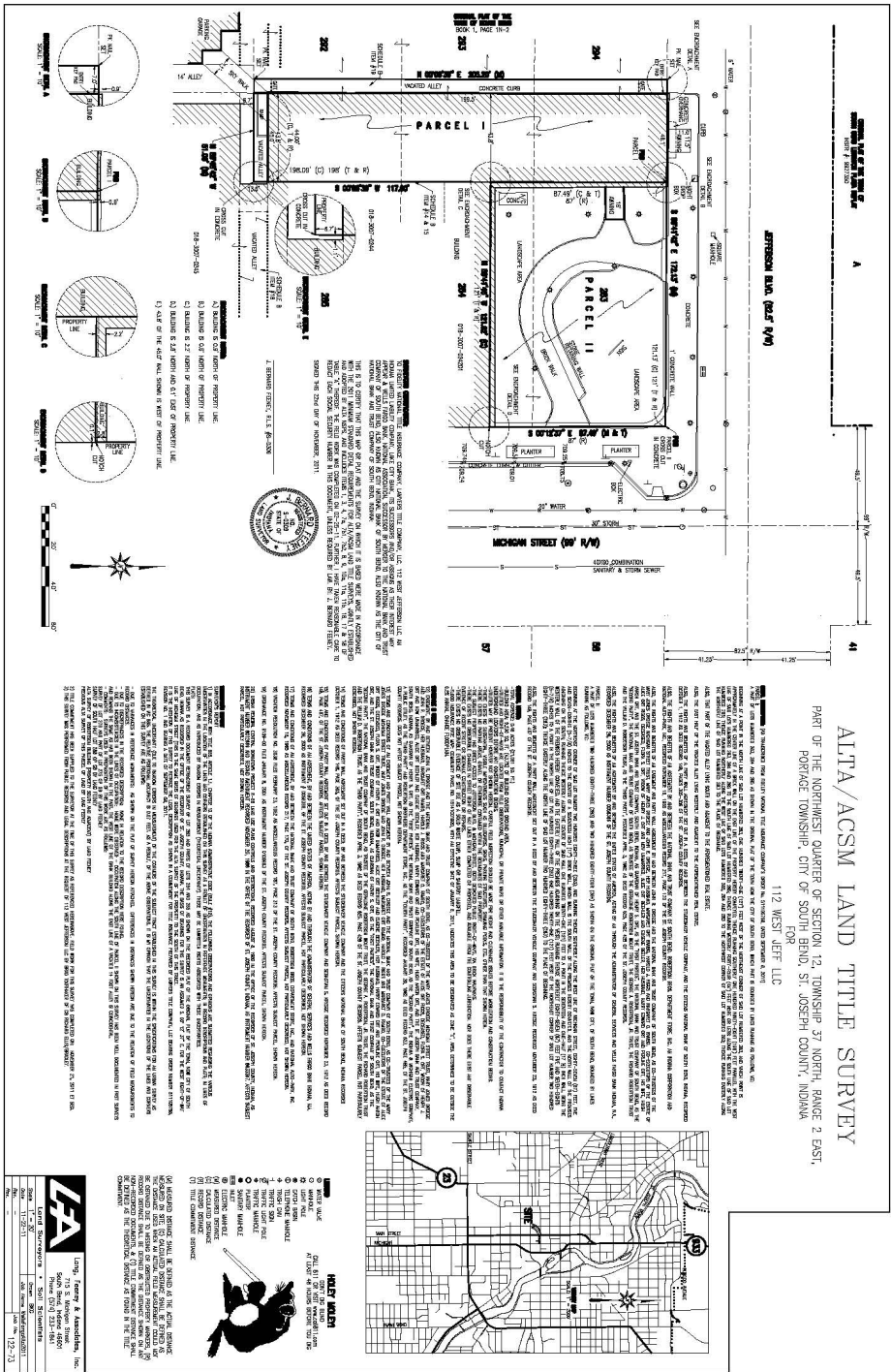
Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Proposed Site Plan



Site Enhancement Services | 8001 Nimitz Pkwy | South Bend, IN 46628 | T: 888-276-7107 | F: 574-237-6166



Proposed Site Plan

"The Exchange": 2'-10 1/4" H x 26'-0" W : 75.16 SF
Logo: 14'-4 1/4" H x 8'-6 1/4" W: 122.31 SF



Site Enhancement Services | 6001 Nimitz Pkwy | South Bend, IN 46628 | T: 888-276-7107 | F: 574-237-6166

THE EXCHANGE

12/12/24 5



PROPOSED | NIGHT

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval should not be injurious to the public health, safety, morals, and general welfare of the community as the projected sign will only be visible in the evening.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner as the sign will be projected on a blank wall and will not shine or cast glare into any windows on the building.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter could result in practical difficulties in the use of the property as there is minimal exterior signage at this location due to the ornate architecture along the Jefferson Blvd. elevation.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The sign will only be visible in the evening and is less than 5% of the allowed sign area for that building elevation.

(5) The variance does not correct a hardship cause by a former or current owner of the property

The variance granted would allow the business to display a sign above the second story when they occupy first floor space. The ornate architecture of the Jefferson Blvd. frontage also limits signage options, and there is minimal opportunity to place a sign on the ground floor elevation facing the lower courtyard without being obscured by landscaping in the courtyard.

Analysis & Recommendation

Analysis: Allowing Whiskey Exchange to project a sign above the second story will allow the business, which is focused on "nightlife", the opportunity to be more visible when many adjacent businesses are closed for the evening. The sign also meets all other standards, i.e. size, not flashing nor changing colors.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

Property Information

Location: 6634 LEEWAY DR
Owner: CHAPO KENNETH R AND VAUGHN-CHAPO PENNY A

Project Summary

Construction of a new house with two curb cuts to the street

Requested Action

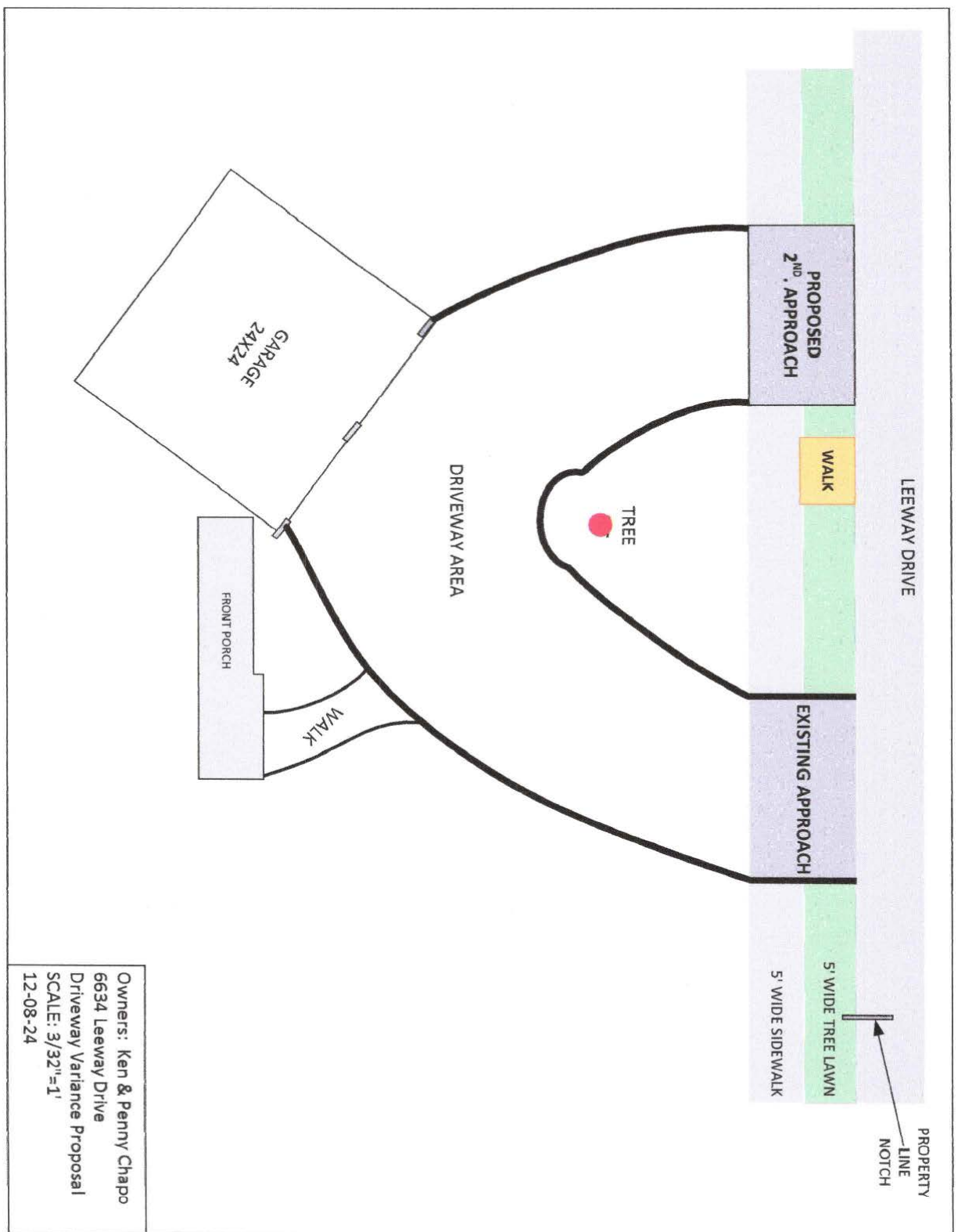
Variance(s):
1) From the maximum of one curb cut per street frontage to two

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as requested.

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variance may be injurious to the public health, safety, morals, and general welfare of the community because it would add an additional, unnecessary conflict point between vehicles and pedestrians. It would also be out of character with the area and not meet the intent of the ordinance.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property could be affected in an adverse manner if the variance was granted. Approving an additional curb cut for a horseshoe driveway would be out of character for the area and contrary to the intent of the ordinance.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter would not result in practical difficulties in the use of the property. The driveway as poured provides access to the garage as well as the additional off-street parking for visitors they desire.

(4) The variance granted is the minimum necessary

Since there is no practical difficulty to overcome, the variance requested is not the minimum necessary.

(5) The variance does not correct a hardship cause by a former or current owner of the property

There is no hardship on the property as it is a newly constructed home, sited and laid out by the applicant. The driveway was modified without the appropriate approval and permits. Had the applicant inquired about the second curb cut prior to extending the driveway, they would have been made aware of the applicable regulations.

Analysis & Recommendation

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. There is nothing preventing the driveway from being constructed in conformance with the zoning ordinance and approved driveway permit.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as requested.

Property Information

Location: 501 N. HILL ST
Owner: UNIVERSITY OF NOTRE DAME DU LAC

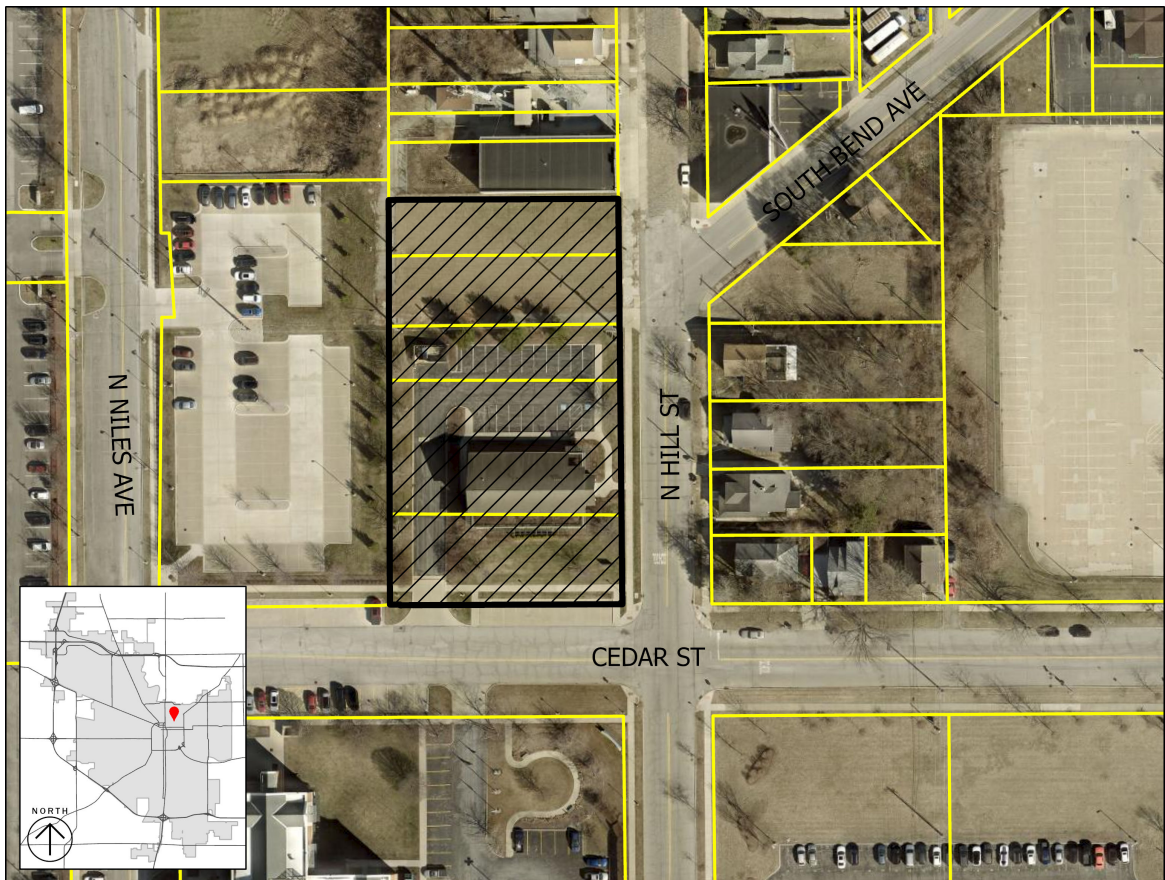
Project Summary

Development of the Veldman Family Psychology Clinic as a community based location for the University of Notre Dame - a ~35,000 SF building with parking lot, site design, and sidewalk connections to new Link Trail

Requested Action

Variance(s):

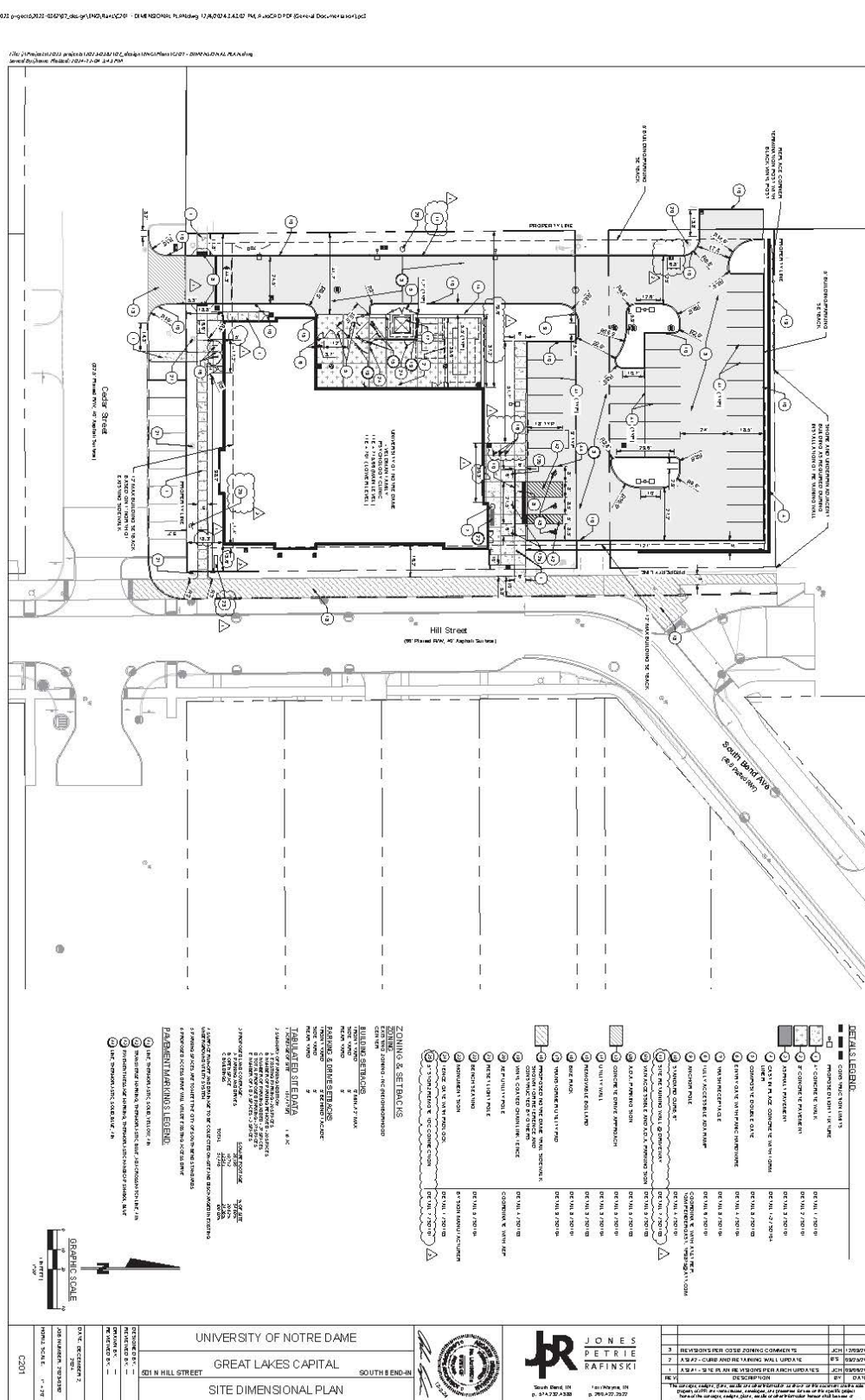
- 1) From the maximum of 100' between entries to 132'
 - 2) From the minimum ground floor transparency of 60% to 51%
-

Site Location

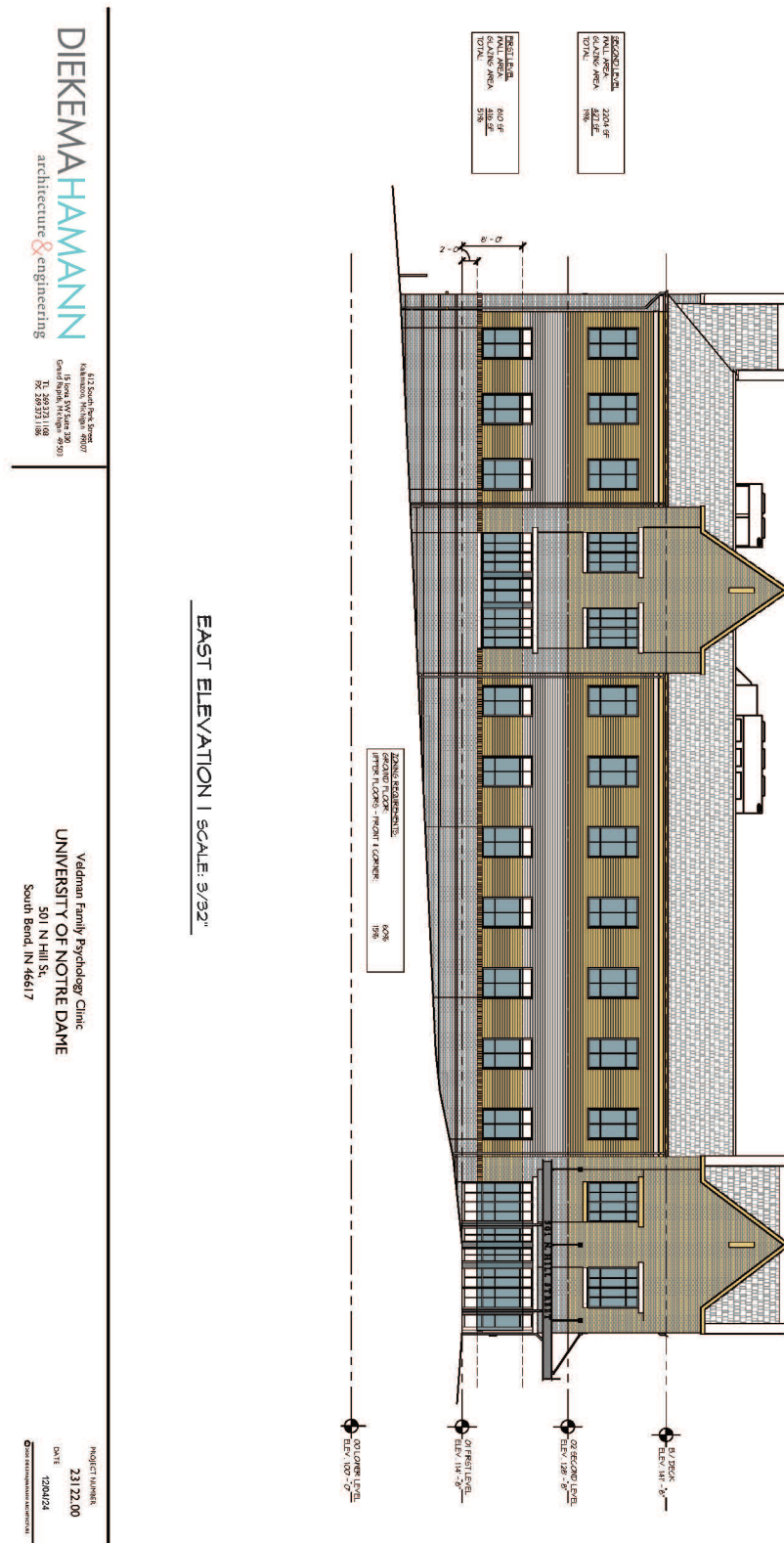
Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.

Proposed Site Plan



Proposed Site Plan



Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variances should not be injurious to the general welfare of the community. Clear and accessible entrances are located at the north and south ends of the building while the grading of the site creates challenges in providing an entrance along the east facade. Transparency is concentrated at the entrance of the first floor to provide a welcoming storefront appearance, while the remainder of the first floor offers transparency that is appropriate for the use and context of the building.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of adjacent properties should not be adversely affected. The building offers clear and accessible entrances where grading permits. The transparency is appropriate for the use and context of the building.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

A strict application of the ordinance would result in practical difficulties in the use of the property. With a steep grade from north to south, the entrance at the north facade is one floor above the entrance at the south facade. As a result, the majority of the east facade at the exterior ground level is in between floors inside the building, creating a practical difficulty in providing an entrance facing east. As a medical facility, the building provides a welcoming storefront entrance, while the remainder of the first floor offers transparency that is appropriate for the use and context of the building.

(4) The variance granted is the minimum necessary

The variances granted are the minimum necessary. Clear and accessible entrances are offered to the north and south, while the steep grading of the site creates practical difficulties in providing an entrance from the east. The ground floor transparency is appropriate for the use and context of the building.

(5) The variance does not correct a hardship cause by a former or current owner of the property

The variances do not correct a hardship caused by a former or current property owner. The topography, use, and context of the site drive variances for the maximum distance between entries and the transparency of the first floor of the building.

Analysis & Recommendation

Analysis: With a steep grade from north to south, the entrance at the north facade is one floor above the entrance at the south facade. As a result, the majority of the east facade at the exterior ground level is in between floors inside the building, creating a practical difficulty in providing an entrance facing east. As a medical facility, the building provides a welcoming storefront entrance while the remainder of the first floor offers transparency that is appropriate for the use and context of the building.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.

Property Information

Location: 320 E JEFFERSON BLVD
Owner: HP BLACKBIRD LLC

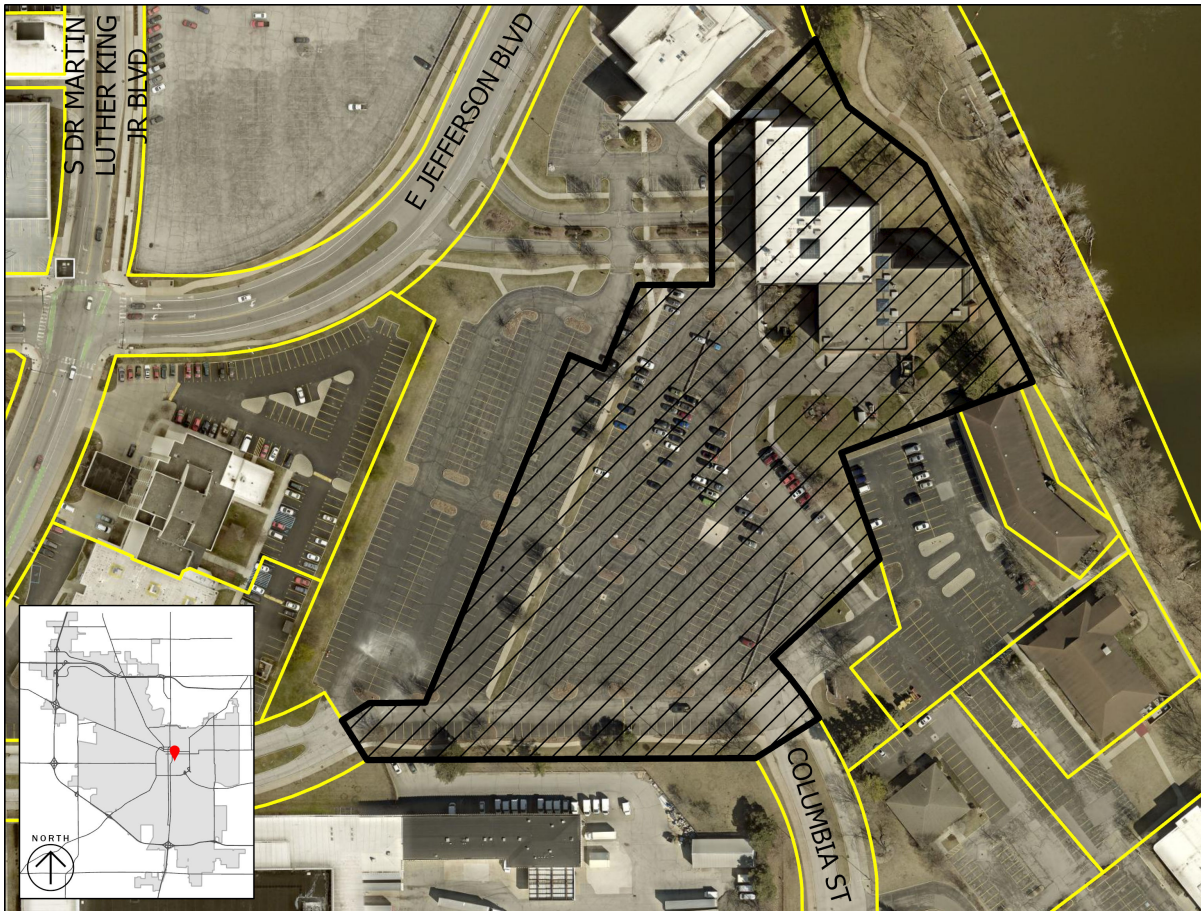
Project Summary

The project will consist of two new Apartment Buildings, with a parking garage and surface parking

Requested Action

Variance(s):

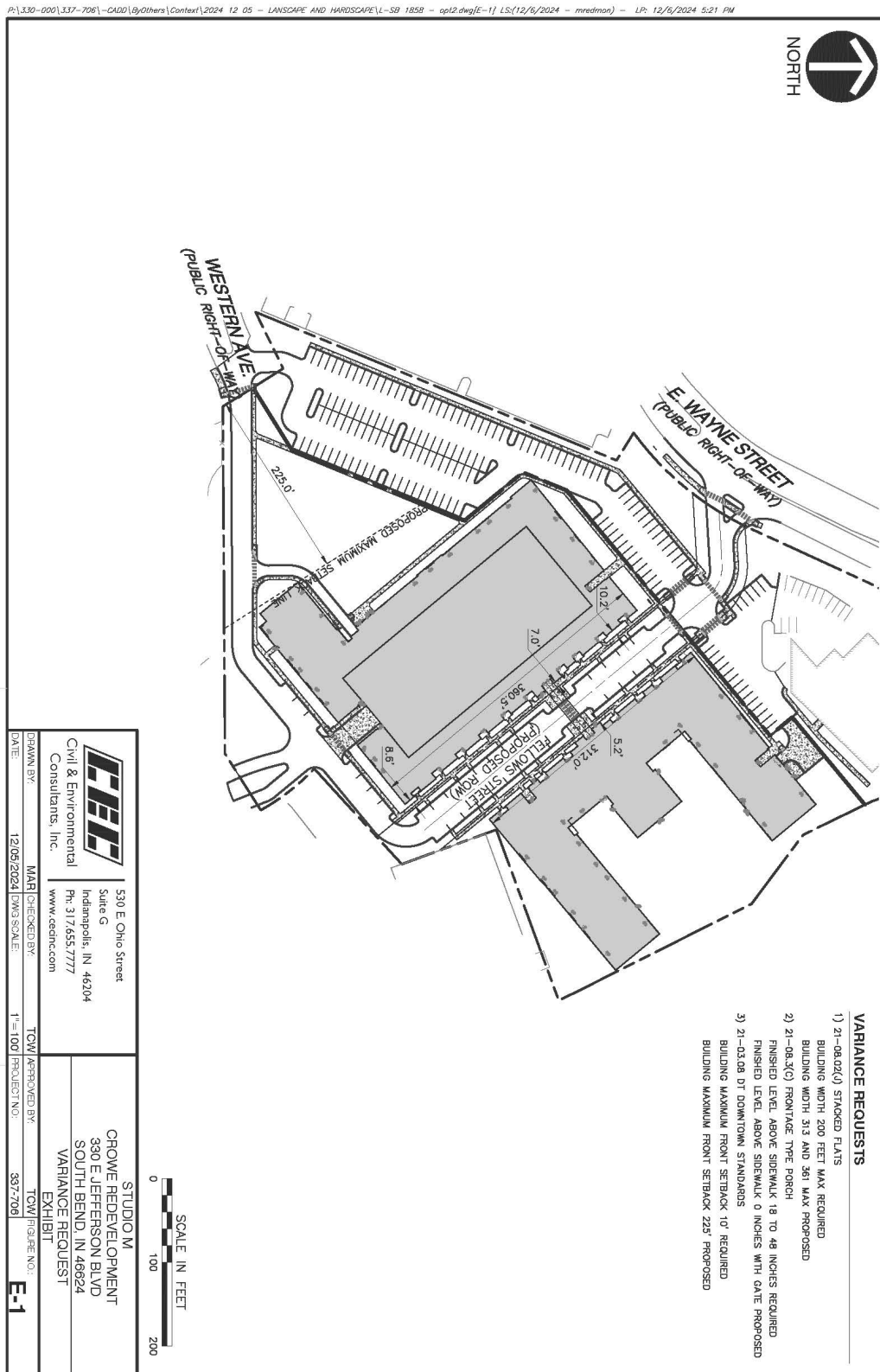
- 1) From the maximum width of a stacked flats building type in a DT zoning district of 200' to 313' and 361'
- 2) From the minimum height of a stoop of 18" above the sidewalk to 6" with a gated patio
- 3) From the maximum front setback of 10' to 225'

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.

Proposed Site Plan



Proposed Site Plan



Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval of the variances should not be injurious to the general welfare of the community. This project fits into the larger River West Concept, as captured in the adopted Monroe Park | Edgewater Plan, transforming an underutilized surface parking area into a new street network and buildings along the river. Changes in material and color, the use of bump outs, and a sky walk will break up the massing of the buildings along the street. The stoops will differentiate between public and private spaces through the use of a railing and landscaping and offer a well defined entry into the units. The setback variance is necessary based on the current configuration of the lot. When the new street is dedicated to the City, the buildings will meet the zoning standards for setbacks in DT Downtown.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of adjacent areas should not be adversely affected. This project will transform surface parking lots into new buildings and a street network along the river. The buildings will utilize a variety of colors, materials, bump outs, and a sky bridge to break up the massing. The differentiation between private and public space will be maintained by railings and landscaping and the walk up stoops will offer a clear entrance into individual units. The setback variance is necessary based on the current configuration of the lot. When the new street is dedicated to the City, the buildings will meet the zoning standards for setbacks in DT Downtown.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The width of Building 2 reflects the size of an interior parking garage and both buildings serve to define a street section that will tie into a new road network along the river. The stoop height variance responds to grading challenges with the site and the intent of the ordinance is met by railed stoops that clearly differentiate public/private spaces and provide a well defined entry to the individual units. A strict interpretation of the ordinance would require the buildings be set back 10' from the frontage on Western Ave. The buildings are designed to meet the DT Downtown standards when the new street is dedicated to the City.

(4) The variance granted is the minimum necessary

The variances granted are the minimum necessary. This project fits into a broader River West Concept, as captured in the adopted Monroe Park | Edgewater Plan and in the forthcoming Downtown Plan, creating buildings that help to define a new street network along the riverfront. The massing of the buildings is broken up through changes in color, materials, the use of bump outs, and a sky walk. The stoops meet the intent of the ordinance by differentiating between public/private space and providing well defined entries into individual units. The setback variance responds to the existing configuration of the lot, which will meet DT Downtown standards when the new street is dedicated to the City.

(5) The variance does not correct a hardship cause by a former or current owner of the property

This project fits into the larger River West Concept Plan, transforming an underutilized surface parking area into a new street network and buildings along the river. The building lengths define a section of the new street network and allow for an interior parking garage and a courtyard along the river. The stoops meet the intent of the ordinance while adapting to grading challenges on the site. The setback variance is caused by the existing lot configuration, which will change in the future when the new street is dedicated to the City.

Analysis & Recommendation

Analysis: This project fits into a broader River West Concept Plan, creating buildings that help to define a new street network along the river front. The massing of the buildings will be broken up through changes in color, materials, the use of bump outs, and a sky walk. The stoops effectively differentiate between public and private space through the use of railings and landscaping and provide well defined entries into individual units. The setback variance responds to the existing configuration of the lot. The buildings will meet DT Downtown standards when the new street is dedicated to the City.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.

Property Information

Location: 616 REX ST
Owner: JOAN DOWNS HOLDINGS LLC

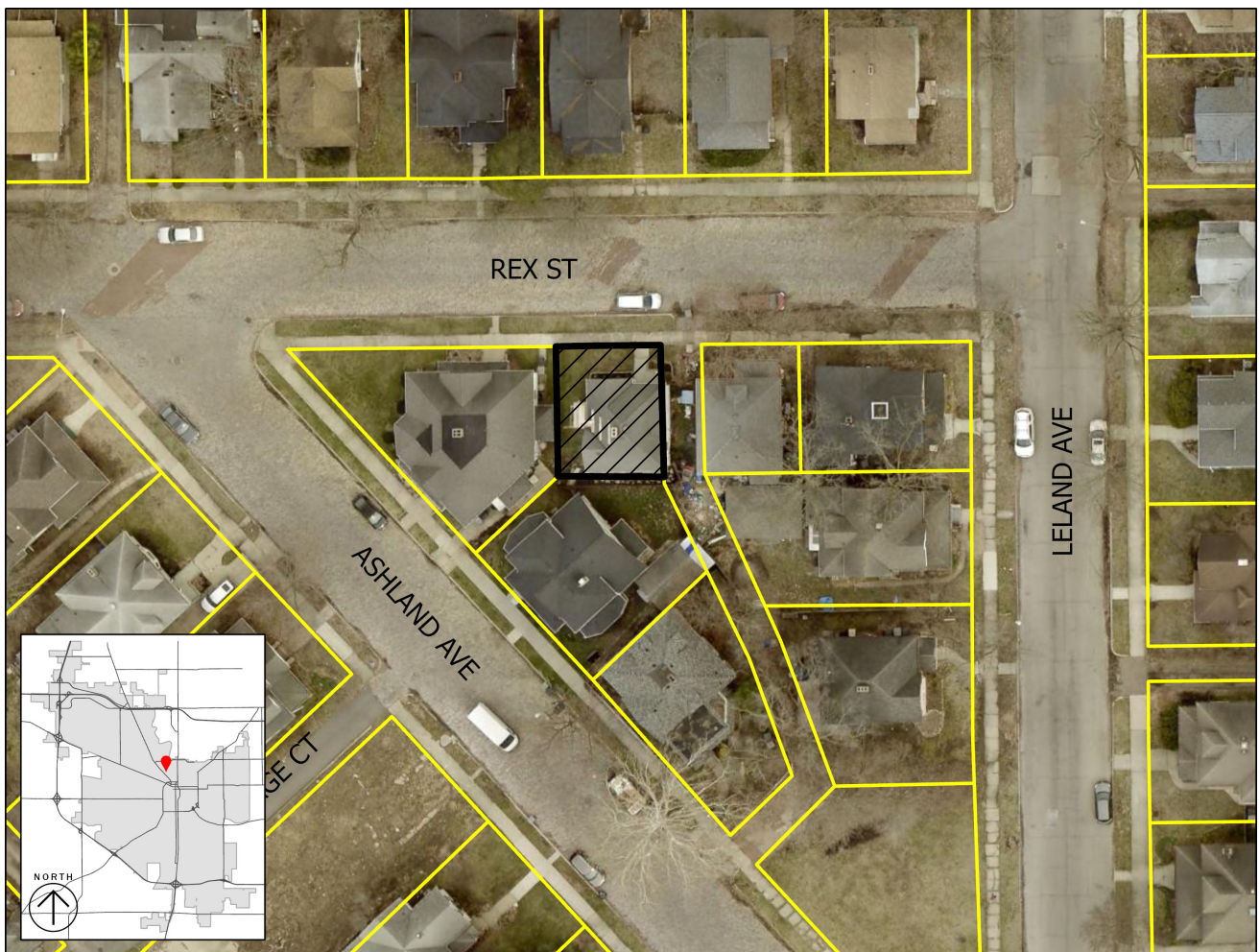
Project Summary

Adding a roof over a new wooden front porch

Requested Action

Variance(s):

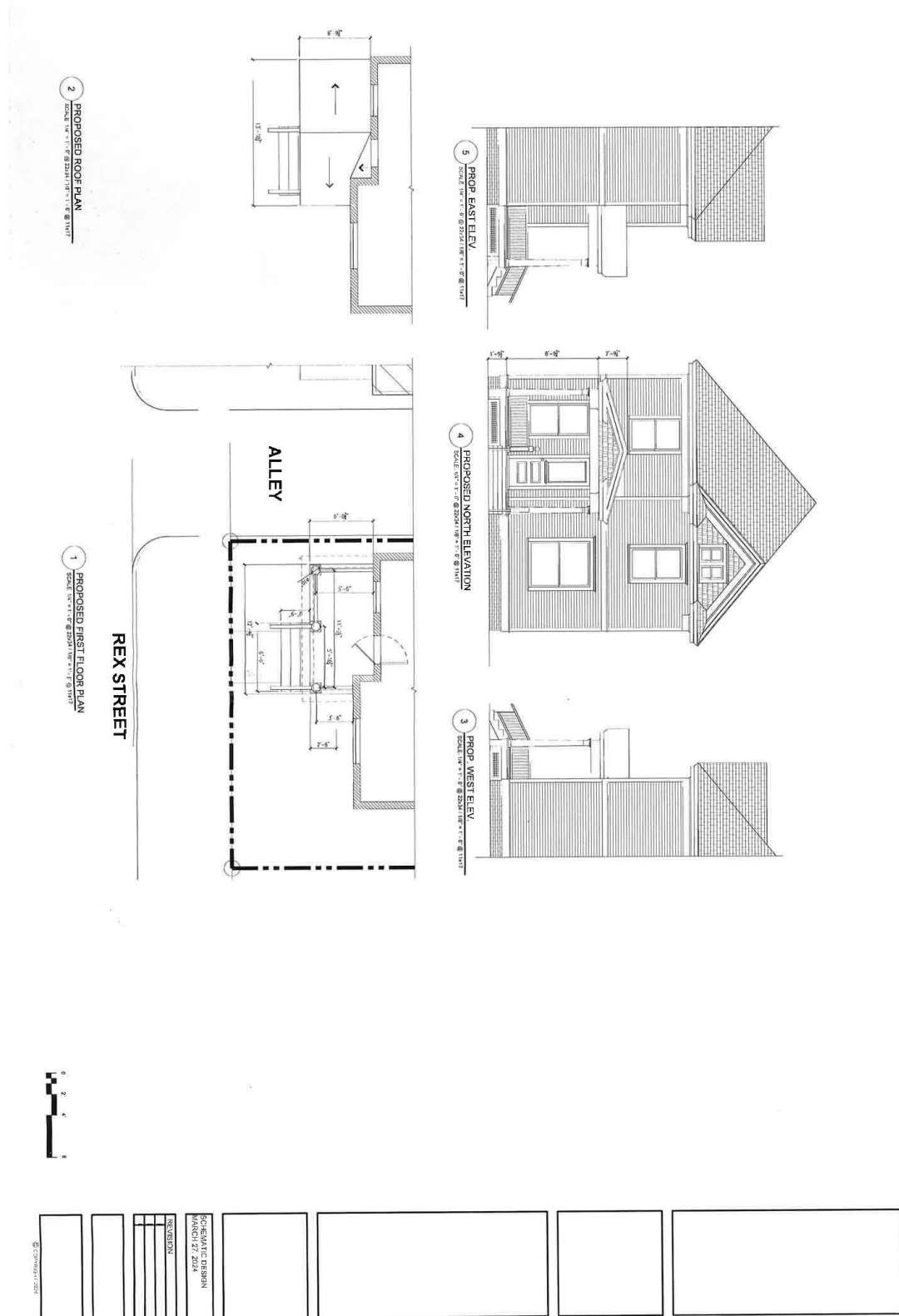
- 1) from the minimum side yard setback for a frontage type of 5' to 0'
- 2) from the minimum front yard setback for a frontage type of 10' to 7'-8"

Site Location

Staff Recommendation

Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.

Proposed Site Plan



Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

The approval should not be injurious to the public health, safety, morals and general welfare of the community. The front porch and overhang will match the character of the surrounding historic Chapin Park district.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner as the porch will match the character of the surrounding area and will be a restoration to its original configuration, which as been absent. The new porch and overhang will be located approximately 1.5' inside the edge of the house and 7' 8" from the front property line.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter could result in practical difficulties in the use of the property as downsizing the porch overhang to meet the required setback would not allow water to shed properly and requiring the porch to meet the front setback of 10' would diminish the aesthetics and not match the general character of the surrounding area.

(4) The variance granted is the minimum necessary

The variance granted is the minimum necessary. The roofed porch will be in the same location as when originally built in 1904, matching the character of the original house design. The Historic Preservation Commission has granted a Certificate of Appropriateness for the new roofed porch.

(5) The variance does not correct a hardship cause by a former or current owner of the property

The overhang was removed approximately 40 years ago and the property owner proposes to install a new covered wooden porch based on the visible proportions from the revealed lines of where the original porch was located.

Analysis & Recommendation

Analysis: Built in 1904 prior to zoning laws, the house has a side yard setback of 0' and a front setback of approximately 7'-8". Replacing the concrete front porch with a wooden porch with a roof overhang matches the unique design requirements of a home in a historic overlay district and maintains the character of the surrounding area.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented.