

STAFF REPORT

Community Development Department

2022-02Z: Variation

Council Chambers, 7:30 PM, March 16, 2022

To: Brian O'Donnell, Chairman, Zoning Board of Appeals
 From: Brian J. Augustine, Zoning Administrator
 Re: 7525 Lowell Avenue – Front and Side Yard Variation

General Information	
<i>Location</i>	7525 Lowell Avenue
<i>Request</i>	Variation in order to construct a first and second floor addition resulting a first floor side yard of 2.53 and 2.87 feet, a second floor side yard of 2.59 feet and a front yard of 19.998 feet.
<i>Zoning Requirement</i>	4-foot side yard minimum and 23.11 foot front yard minimum (118-125(6)(a) and 118-123(b))
<i>Petitioner</i>	Nicole and Kendall Meyer
<i>Existing Zoning & Land Use</i>	R2 Single-Family – Detached residence
	North R2 Single-Family – Detached residences
	South R2 Single-Family – Detached residences
	East R2 Single-Family – Detached residences
	West R2 Single-Family – Detached residences
<i>Assigned to</i>	Richard Perlin

SITE INFORMATION

- Staff could not read the date on the permit card. An addition was added in 1956.

PETITIONER'S SUBMITTAL

The petitioner is requesting a variation in order construct 1st and 2nd floor addition resulting a first-floor side yard of 2.53 and 2.87 feet, a second floor side yard of 2.59 feet and a front yard of 19.998 feet.

APPEARANCE COMMISSION

The petitioner has not appeared before the Appearance Commission for this project.

STAFF ANALYSIS

Staff Comment and Review sheets were sent to all pertinent departments. The Community Development Department and Forestry Division were the only department/divisions to comment.

Forestry Division

Forestry Division has no objections of the petitioner's request. A tree survey will be required, a tree removal permit required for any trees to be removed and tree protection will need to be provided.

Community Development Department

The Community Development Department reviewed this as two requests. The front yard request and the side yard request.

Staff has no objections to the petitioner's request to construct a second-floor addition above the existing attached garage resulting in the continuation of the existing 19.998-foot front yard. The setback is far enough from the front lot line that it should not negatively impact any of the neighbors.

The petitioner is proposing to demolish a one-story addition in the rear yard that currently has a 4-foot setback from the south side lot line. They want to then build a 1st floor addition with a 2.53-foot setback and then a 2nd floor addition with a 2.59-foot setback. A covered porch with a 2.87-foot setback is also proposed.

Staff understands the existing building is non-conforming and does not meet the current side yard requirement. Staff is opposed to demolishing an addition that meets the setback requirement to construct an addition that will be less than 3 feet from a side lot line. This proposed addition would be closer to the side lot line than a detached garage in a rear yard.

The windows on the south elevation that are less than 3 feet from the property line would need to be removed because they violate Section 302 of the 2012 IRC.

STAFF RECOMMENDATION

Based on the proposed Findings of Fact, Staff recommends the following:

1. The proposed 2nd floor addition above the garage resulting in a 19.998-foot front yard be granted.

2. The proposed 1st floor addition resulting in a 2.53 and 2.87 foot setback and the proposed 2nd floor resulting in 2.59 foot setback be denied.

ATTACHMENTS

1. Proposed Findings of Fact
2. Page 48 of International Building Code.

Proposed Findings of Fact

Community Development Department

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1	<i>Consideration</i>	Limitation on the use of the property due to physical, topographical, and geologic features.
	<i>Finding</i>	There are no limitations on the property due to physical, topographical or geologic features.
2	<i>Consideration</i>	The applicant can demonstrate that without a variance there can be no reasonable use of the property.
	<i>Finding</i>	Staff feels the applicant can clearly have a reasonable use of the property without a variation.
3	<i>Consideration</i>	The granting of the variance is not based solely on economic reasons.
	<i>Finding</i>	The variance request appears to be based on the desire to increase the floor area of the residence.
4	<i>Consideration</i>	The necessity for the variance was not created by the property owner.
	<i>Finding</i>	Staff feels the necessity for the variance for the side yard was clearly created by the owner.
5	<i>Consideration</i>	The variance requested is the minimum variance necessary to allow reasonable use of the property.
	<i>Finding</i>	Staff feels the variance requested is not the minimum necessary to allow for reasonable use of the property.
6	<i>Consideration</i>	The granting of the variance will not be injurious to the public health, safety, or welfare.
	<i>Finding</i>	Staff feels the granting of the variance most likely will not be injurious to health, safety or welfare.
7	<i>Consideration</i>	The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties
	<i>Finding</i>	The only uniqueness is that the building has non-conforming setbacks.

**TABLE R301.7
ALLOWABLE DEFLECTION OF STRUCTURAL MEMBERS^{b,c}**

STRUCTURAL MEMBER	ALLOWABLE DEFLECTION
Rafters having slopes greater than 3:12 with no finished ceiling attached to rafters	$L/180$
Interior walls and partitions	$H/180$
Floors/ceilings with plaster or stucco finish	$L/360$
All other structural members	$L/240$
Exterior walls—wind loads ^a with plaster or stucco finish	$H/360$
Exterior walls with other brittle finishes	$H/240$
Exterior walls with flexible finishes	$H/120^d$
Lintels supporting masonry veneer walls ^e	$L/600$

Note: L = span length, H = span height.

- a. The wind load shall be permitted to be taken as 0.7 times the Component and Cladding loads for the purpose of the determining deflection limits herein.
- b. For cantilever members, L shall be taken as twice the length of the cantilever.
- c. For aluminum structural members or panels used in roofs or walls of sunroom additions or patio covers, not supporting edge of glass or sandwich panels, the total load deflection shall not exceed $L/60$. For continuous aluminum structural members supporting edge of glass, the total load deflection shall not exceed $L/175$ for each glass lite or $L/60$ for the entire length of the member, whichever is more stringent. For sandwich panels used in roofs or walls of sunroom additions or patio covers, the total load deflection shall not exceed $L/120$.
- d. Deflection for exterior walls with interior gypsum board finish shall be limited to an allowable deflection of $H/180$.
- e. Refer to Section R703.7.2.

R301.8 Nominal sizes. For the purposes of this code, where dimensions of lumber are specified, they shall be deemed to be nominal dimensions unless specifically designated as actual dimensions.

**SECTION R302
FIRE-RESISTANT CONSTRUCTION**

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system

installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

R302.2.1 Continuity. The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions

**TABLE R302.1(1)
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For SI: 1 foot = 304.8 mm.
N/A = Not Applicable.