

Hardships relating to 223 S. West Avenue:

1. There are special circumstances that apply to this property, as this is a long, narrow property along West Avenue, limited in space by the presence of the railroad right of way along the rear lot line. At its deepest point along the north lot line of the triangular shaped parcel is only 41.8 feet deep and reduces to zero feet at the south end of the parcel. The existing building is nonconforming on the current lot configuration and cannot be made to conform with a new lot configuration.
2. There are other existing non-conforming lots in this older section of the City along the same block of West Avenue including the residential properties located immediately to the north of this site which do not meet the setbacks to the small lot configurations. The current parcel at 223 S West Avenue as it exists now is non-conforming. The new Lot configuration will include the entire building within the property boundary which will be an improvement to the current situation of the building encroaching beyond the property, but unfortunately the new lot configuration cannot resolve the non-conforming issues with the setbacks.
3. This variance is being requested to allow the creation of a new lot to legally continue the use of an older non-conforming building that is still in good condition and support the City's sustainable development goals. If a new lot configuration was not required to include the entire building footprint within the property, the building could have been used with no variance needed.
4. This is an older utility building constructed in the early 1900's, before the City had a zoning code, and setbacks were not considered in the construction of the building.
5. This building has been in this neighborhood since the early 1900's and is part of the fabric of the neighborhood. Like the other non-conforming properties to the north, the buildings were placed on these small lots well before the City had a zoning code defining minimum lot sizes and setbacks. There are many lots like this throughout the older sections of the City that have been designated legal non-conforming lots with the inception of the zoning code. While the new lot configuration addresses the issue of the building encroaching over the lot line, like the neighboring parcels to the north, it is not possible to meet the setbacks.

Without this dimensional variance for the lot, it will not be possible to file the new CSM reconfiguring the lot to keep the building within the property limits, and an occupancy permit will not be able to be issued for an illegal building.