



## Legislation Text

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**File #:** ABZA 11-5, **Version:** 2

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Public hearing to consider the appeal of the Payne Phalen District 5 Planning Council to a decision of the Board of Zoning Appeals (BZA) approving a variance of the west side yard setback of three feet in order to allow the construction of a deck with a stairway to the second floor of the existing duplex at 674 Hawthorne Avenue East.

The applicant applied for a variance of the west side yard setback of 3 feet in order to allow the construction of a deck with a stairway to the second floor of the existing duplex. A public hearing was held on June 13, 2011 but the applicant was not present. Staff recommended approval of the variance and the applicant's request was subsequently approved by the BZA.

The appellant (Payne Phalen District 5 Planning Council) is appealing the decision of the BZA because they believe that the Board erred in Findings of fact 1, 3 and 4 as follows: "The variance is not in harmony with the general purposes of the zoning code; the applicant has not established that there are practical difficulties in complying with the provisions/nor is the proposal a reasonable manner not permitted by the provisions; and the plight of the landowner is not due to circumstances unique to the property."

Does this issue fall within the 60 day rule? yes

If yes, when does the 60 days expire? July 22

Has an extension been granted? Yes

If so, to what date? September 20, 2011

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