



## Legislation Details (With Text)

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**Title:** Public hearing to consider the appeal of Steve and Jenny Virkus to a decision of the Board of Zoning Appeals (BZA) denying a request for a parking variance at 814 Grand Avenue.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:** Sec. 63.207. - Parking requirements by use.

**Attachments:** 1. 814 Grand Appeal application.pdf, 2. 814 Grand Variance application.pdf, 3. 814 Grand staff report, resolution.pdf, 4. 814 Grand Minutes for all meetings.pdf, 5. 814 Grand - Correspondences.pdf, 6. 814 Grand - extensions and waiver of the 60-day clock.pdf, 7. 814 Grand - Enforcement letters.pdf, 8. 814 Grand - Rezoning documents.pdf, 9. 814 Grand - additional documents.pdf, 10. 814 Grand - pictures.pdf, 11. Cushing Email, 12. Virkus appeal info

Date	Ver.	Action By	Action	Result
12/17/2014	1	City Council	Granted	Pass

Public hearing to consider the appeal of Steve and Jenny Virkus to a decision of the Board of Zoning Appeals (BZA) denying a request for a parking variance at 814 Grand Avenue.

There are two buildings on this property. The first building which faces Grand Avenue, is used as a mixed commercial/residential structure. The second is a two-story garage building with studio space above located along the alley. The garage had three parking spaces. However, the studio space was converted into a dwelling unit sometime prior to the applicants purchasing the property in 2011. This conversion caused a portion of the garage to be used in order to provide an interior staircase for access to the second floor resulting in the loss of one parking space. This conversion was illegal for two reasons: 1. The property was zoned B2, business zoning district at that time and a new separate dwelling unit was not permitted. 2. The conversion resulted in the loss of one parking space although two parking spaces remained in the garage. Consequently, staff from the Department of Safety and Inspections (DSI) issued orders (see letters dated February 28, 2013, August 28, 2013 & February 27, 2014) to the applicants requiring them to bring the property into compliance with the zoning code by either removing the dwelling unit in the garage or applying for a rezoning of the property from a B2 business zoning district to a T2 traditional neighborhood zoning district to allow a second dwelling unit on the property. Although the applicants applied for and were granted the rezoning request in 2013, they still needed to provide one additional parking space to make up for the parking space lost as a result of the conversion of part of the garage into a dwelling unit. The applicants requested a parking variance because there is no room to provide any additional parking. Because the garage has windows facing a side yard, a setback of at least 6 feet from the side property lines must be provided. The applicants requested a variance from this requirement also. After hearing testimony, the BZA approved the setback variance request on September 3, 2014 and denied the parking variance request on October 13, 2014. The applicants are appealing the denial.

The appellants, Steve and Jenny Virkus, submitted an application for appeal and supporting documentation attached to this file.

Does this issue fall within the 60 day rule? Yes

If yes, when does the 60 days expire? September 25, 2014.

Has an extension been granted? Yes

If so, to what date? November 24, 2014

The applicants have waived their rights to the 60-day deadline prior to the expiration of the extension period (documents attached).

Yaya Diatta