

Board of Zoning Adjustment Staff Report

January 12, 2014



Case No:	14Variance1109
Project Name:	Kitchen Expansion
Location:	4308 Lowe Road
Owner(s):	John Owens
Applicant:	Same as above
Representative:	John Owens
Project Area/Size:	0.32
Jurisdiction:	City of Cambridge
Council District:	18 – Marilyn Parker
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance from the Land Development Code, Chapter 5, Section 5.4.2.C.1, to allow a proposed addition to exceed the required infill front yard setback.

Variance

Location	Requirement	Request	Variance
Front Yard (west)	40 feet	34 feet	6 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to expand the kitchen by adding a 13 feet 4 inches x 6 feet addition (approximately 80 square feet) onto the Miles Road side of the existing house. The existing house, built in the 1940's, is located at the southeast corner of Lowe Road and Miles Road in the City of Cambridge. The front of the house faces Lowe Road; however the lot's front yard is adjacent to Miles Road. The proposed addition will be constructed with brick matching the existing house façade.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (N). It is surrounded by residential property zoned R-4 in the Neighborhood Form District (N).

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-family residential	R-4	N
Proposed	Single-family residential	R-4	N
Surrounding Properties			
North	Single-family residential across Lowe Road	R-4	N
South	Single-family residential	R-4	N
East	Single-family residential	R-4	N
West	Single-family residential across Miles Road	R-4	N

PREVIOUS CASES ON SITE

Eastland Manor Subdivision plat recorded July of 1952 in Plat Book 11 Page 6.

INTERESTED PARTY COMMENTS

No interested parties have made any inquiries.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition will not block any views or sight lines for pedestrians or vehicular traffic. Nor will the addition be located in any utility or access easements.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because the proposed addition will be constructed with a brick façade matching the existing brick house. Plus, the existing large oak tree located adjacent to the street will remain and the existing plantings between the street and the new addition will either remain or be modified to enhance the foundation plantings.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the encroachment into the front yard is only 6 feet, leaving 34 feet to the property line and approximately 52 feet to the edge of the street pavement.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations because the proposed addition only encroaches into a small portion of the required front yard.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances because this lot is a corner lot which has large setbacks along both street frontages, which reduces the buildable area of the lot. This reduced buildable area has created the need for a variance to allow for the proposed kitchen expansion.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the kitchen could not be enlarged without additional expense and a revamping of the entire first floor layout and design.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The front yard setback, 40 foot, was established when the subdivision was recorded in 1952. The applicant is requesting a variance to allow the proposed addition to encroach only 6 feet into this established yard.

TECHNICAL REVIEW

There are no technical review issues to be addressed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant a variance of 6 feet to allow the proposed addition to be constructed. Therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code based on the testimony and evidence provided at the public hearing.

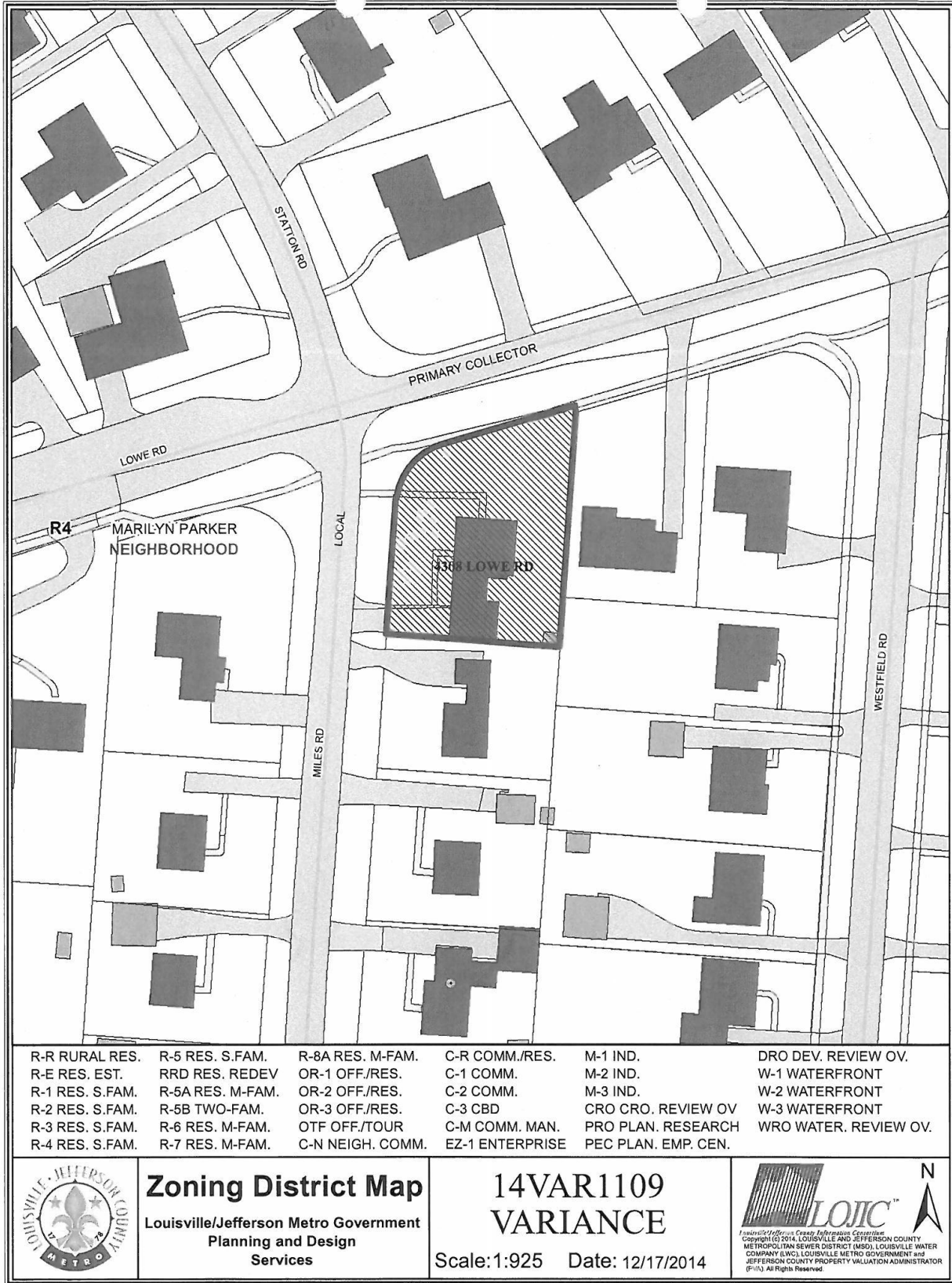
NOTIFICATION

Date	Purpose of Notice	Recipients
12/29/2015	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
12/22/2015	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Floor Plans
5. Elevations
6. Applicant's Justification
7. Site Photos

Attachment 1 - Zoning Map



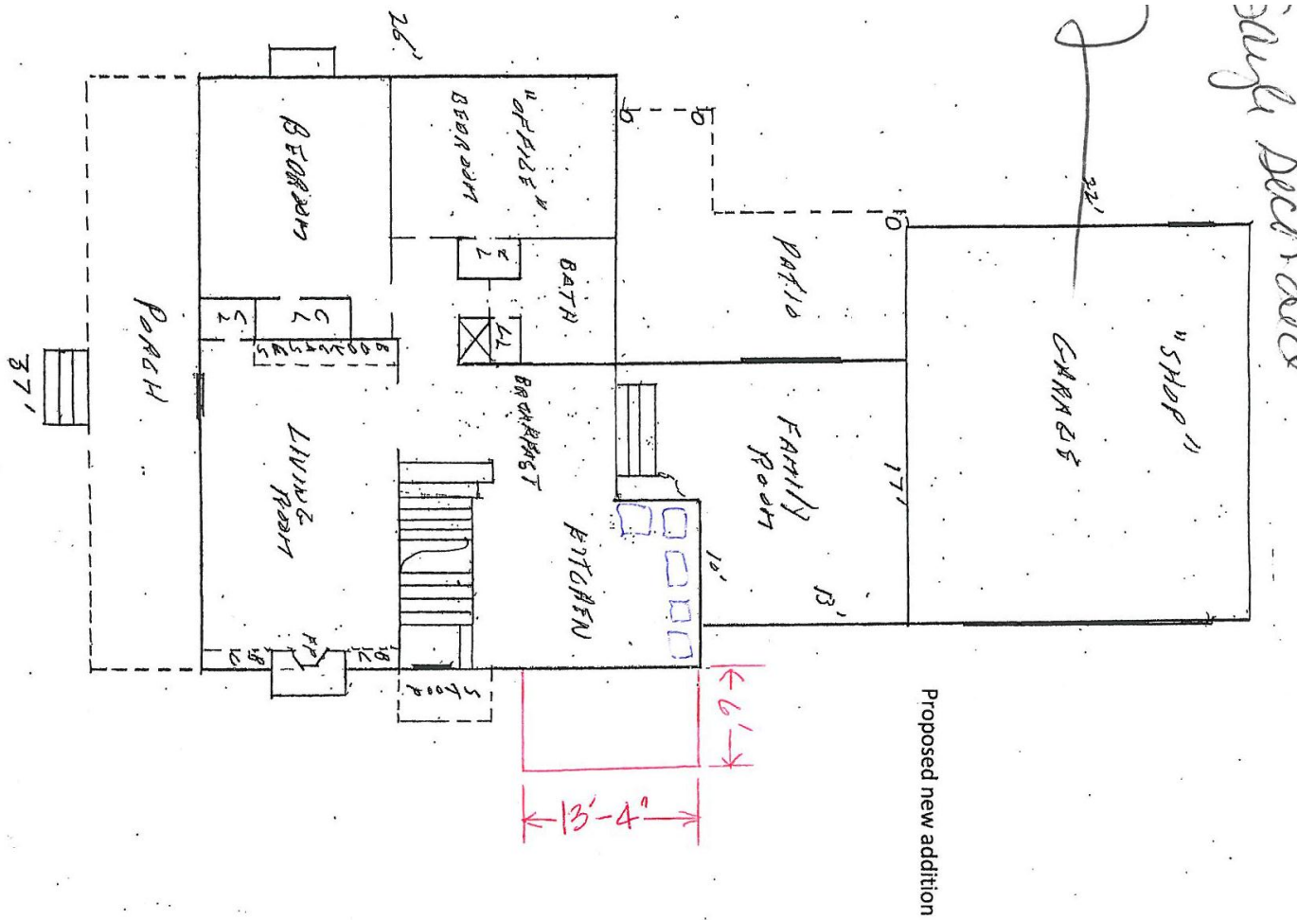
Attachment 2 - Aerial Photo



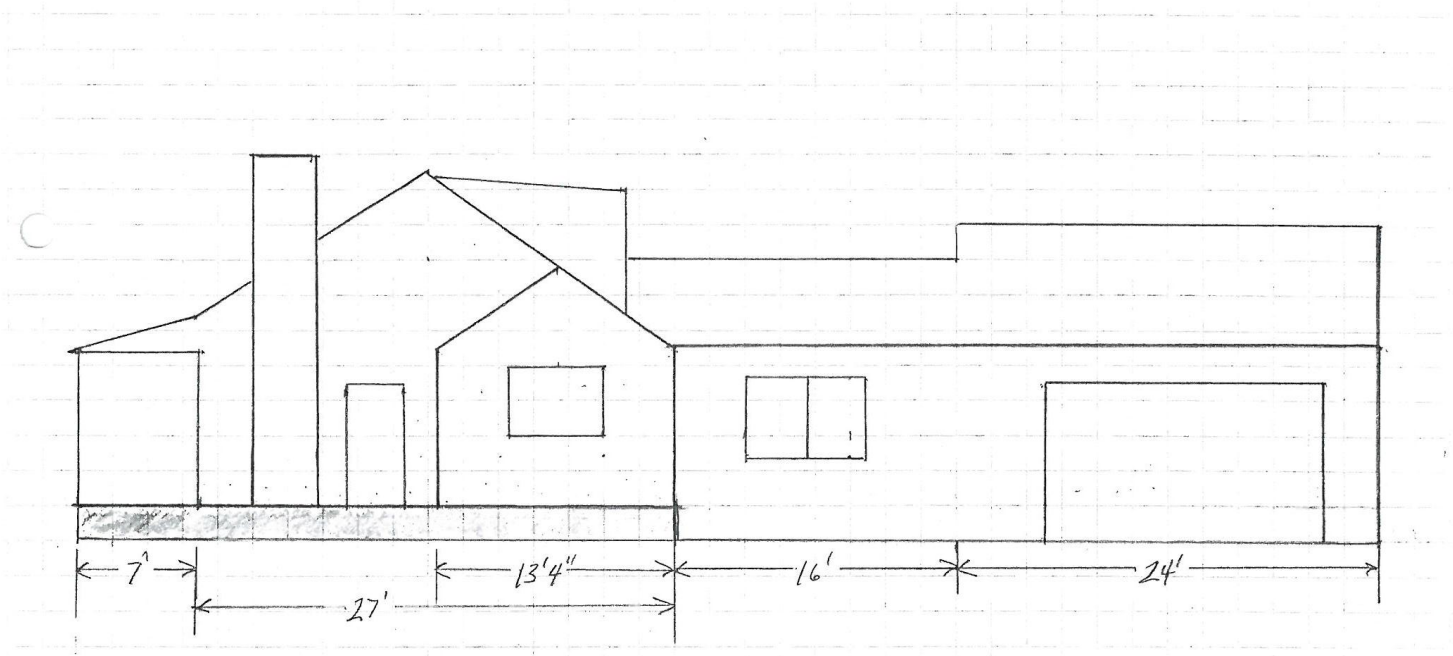
Attachment 3 - Site Plan



Attachment 4 - Floor Plan



Attachment 5 – Elevation



Attachment 6 – Applicant’s Justification

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

THE VARIANCE REQUEST IS TO EXTEND MY KITCHEN OUT THE SIDE OF MY HOUSE SIX FEET.

2. Explain how the variance will not alter the essential character of the general vicinity.

ADDITION WILL HAVE MINIMAL EFFECT FROM STREET ELEVATION.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

ADDITION WILL ONLY EXTEND SIX FEET FROM EXISTING STRUCTURE AND WILL BE 52 FEET FROM ROAD.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

THE REQUEST IS ONLY SIX FEET, I STILL WILL BE 52 FEET FROM THE ROAD.

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Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

IN ORDER TO ENLARGE MY KITCHEN, THE ONLY OPTION IS TO EXTEND OUT, THERE IS NO ROOM INSIDE TO ENCRATCH ON.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

IT WOULD NOT ALLOW ME TO EXTEND MY KITCHEN AND DEPRIVE ME OF ADDING VALUE TO MY HOME.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

MY HOUSE WAS BUILT PRIOR TO THE REGULATIONS AND HAS A SMALL KITCHEN, THE ADDITION WILL NOT HAVE AN ADVERSE EFFECT ON THE NEIGHBORHOOD.

14VARIANCE1109

Attachment 7 - Site Photos



Looking south from Lowe Road at the front of the house



Looking south at the front yard area adjacent to Miles Road



Looking from the intersection of Miles Road and Lowe Road



Looking east from Miles Road toward the house



Looking from the driveway north to Lowe Road



Adjacent houses to the east



Adjacent house to the south



Additional houses to the south



Looking west at the house directly across Miles Road



Looking at the front of the house (facing Lowe Road) directly across the Miles Road



Existing sidewalk along Lowe Road and adjacent houses located across Lowe Road to the north