

### III. NEW BUSINESS

- J. The request of **Shantar Zuidema and Abby Zuidema (Owners)**, for property located at **126 Burkitt Street** whereas relief is needed to demolish the existing 10 foot by 16 foot deck and replace with a 6 foot by 4 foot enclosed porch which requires the following: 1) Variance from Section 10.521 to allow a 6 foot right side yard where 10 feet is required, and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 28 and lies within the General Residence A (GRA) District. (LU-23-61)

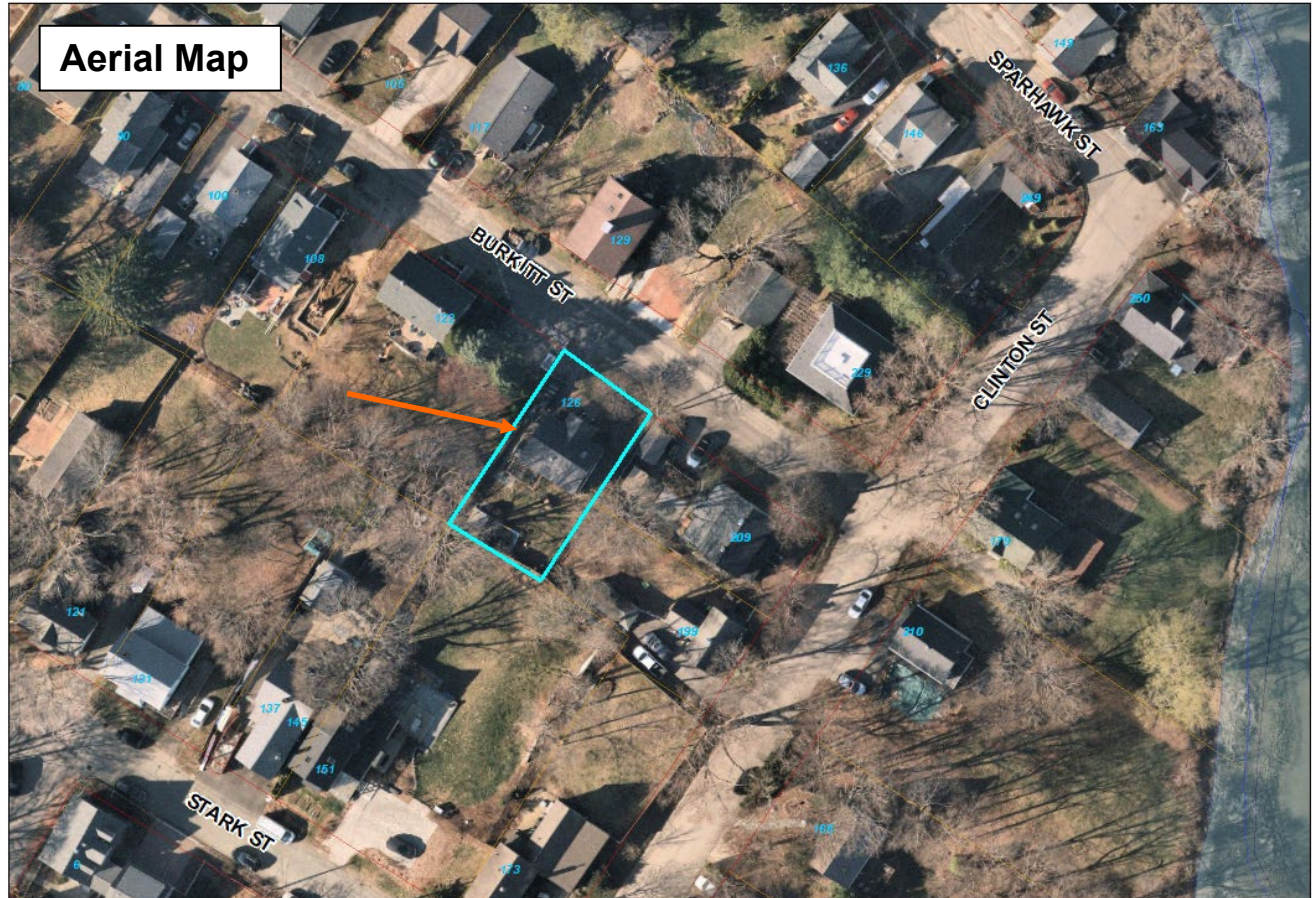
#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demolish existing porch and construct new	Primarily residential
<u>Lot area (sq. ft.):</u>	4,801.5	4,801.5	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,801.5	4,801.5	7,500 min.
<u>Lot depth (ft.):</u>	94.5	94.5	70 min.
<u>Street Frontage (ft.)</u>	50	50	100 min.
<u>Primary Front Yard (ft.):</u>	18	18	15 min.
<u>Left Yard (ft.):</u>	10	10	10 min.
<u>Right Yard (ft.):</u>	6	<b>6</b>	10 min.
<u>Rear Yard (ft.):</u>	35	38	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20.5	18	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1976	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



0 25 50 100 Feet  
1 inch = 56.6 feet

**126 Burkitt Street**



### Previous Board of Adjustment Actions

No previous BOA history found

### Planning Department Comments

The applicant is proposing to remove the existing rear deck and side entrance deck and to only reconstruct and enclose the side deck portion only. Applicant is not proposing to replace the rear deck at this time and is reducing the overall building coverage on the property.

### Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*

5. The “unnecessary hardship” test:

(a) The property has special conditions that distinguish it from other properties in the area.

**AND**

(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

**OR**

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

**10.235 Certain Representations Deemed Conditions**

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

## 126 Burkitt Street

### Porch Renovation & Deck Removal

To the Board of Adjustment:

We are looking to rebuild and enclose the porch landing under the existing roof. The existing porch needs to be replaced as the current footings and structure are inadequate to support the roof.

The location of the porch is essential as it allows access to the side door. Relief from the 10' setback requirement is requested as the side door sits 4' above grade and the house is set back 10'6" from the property line requiring some development in the setback to access this door.

We are proposing to remove the 10'x16' deck and steps to the front entirely and replace with a small 6'x4' deck for safe opening of the proposed storm door and steps to the back yard. The porch enclosure is proposed to allow for an outward swinging door. The current inward swinging door obstructs access to the stove when open. An outward swinging door will allow for ease in ventilation and access to the back yard while cooking.

Substantial justice will be done as the proposed plan will increase the functional flow of the property while:

- Reducing the building cover of the property by removing the 10'x16' deck
- Provide the structural support needed for the existing roof
- Allow for siding rot repair as flashing was only installed five years ago
- Increase the overall aesthetic of the structure

All of these items outlined will not diminish the value of the surrounding properties.

The variances are not contrary to the public interest as the plan as proposed replaces existing structures currently in the setback.

The spirit of the ordinance will be observed as the proposal seeks no additional relief from the setback as requested in this proposal. The proposal supports movement through the property as it is.

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship as the side egress would need to move to new location requiring architectural changes. The porch roof as built would need to be removed and the house resided. All of these options are outside the possibility for us. We are looking to maintain the structure and rebuild it to be safe and structurally supported.


Abby & Shan Zuidema





**Property Information**

Property ID	0159-0028-0000
Location	126 BURKITT ST
Owner	ZUIDEMA SHANTAR

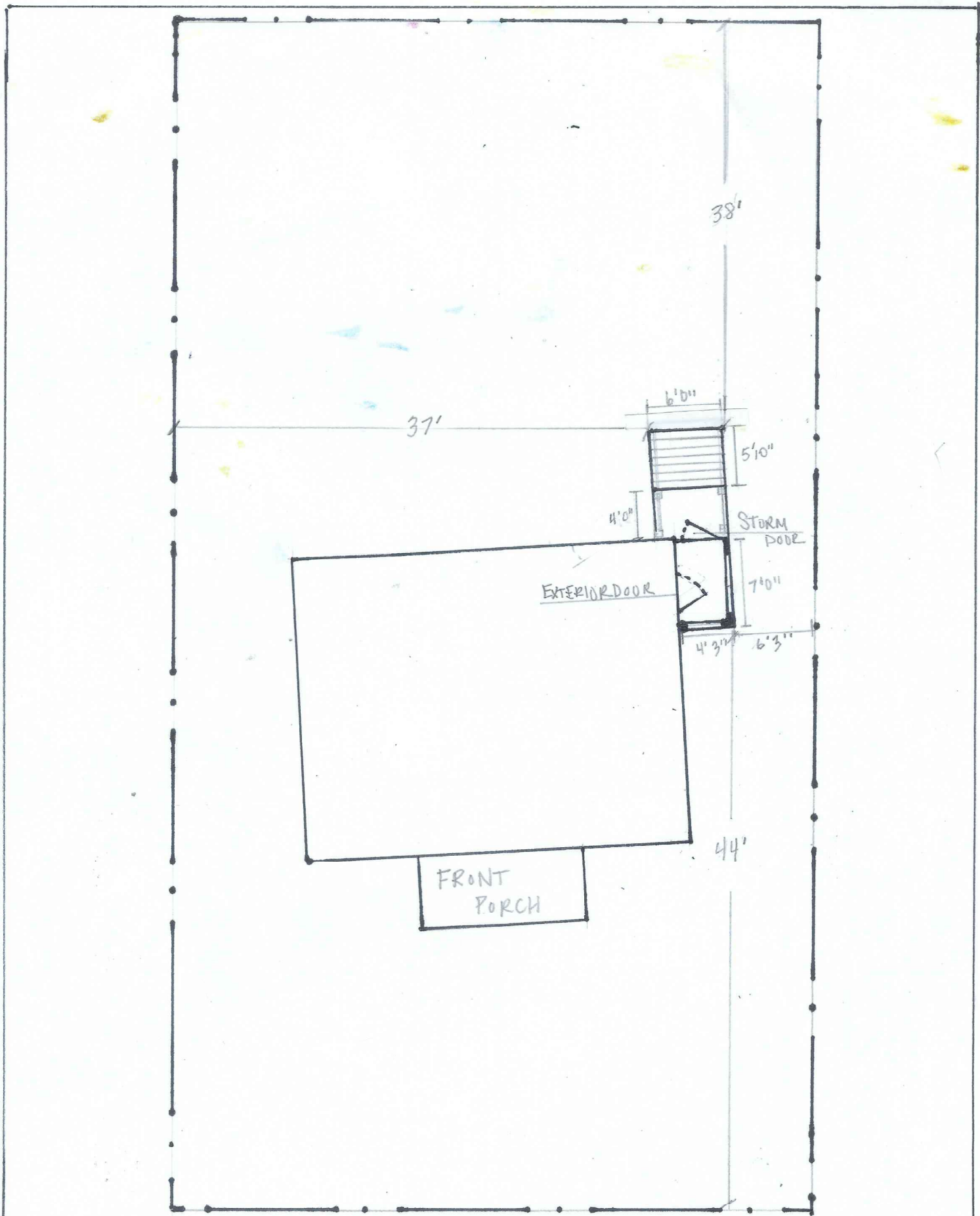


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



126 BURKITT STREET