

STAFF REPORT

DATE: June 10, 2026
TO: Zoning Board of Appeals
FROM: Francisco Jimenez, Planner
RE: Petition Number: 2026-07, 2026-08, and 2026-09
Applicant / Owner: Robert Casey
Location: 1216 Fairview Ave (COUNCIL DISTRICT #4)
Request: 2026-07: A Special Use Permit to allow a duplex
2026-08: A Variation of Use for an R-3 (one-and two-family residential) use in the R-2 (single-family residential) zoning district
2026-09: A Series of Variations to deviate from Zoning Ordinance standards for a lot located within an R-2 (single-family residential) zoning district

Purpose

The applicant is requesting a Variation of Use to allow a new two-unit residence, an R-3 (one-and two-family residential) use, within the R-2 (single-family residential) zoning district at 1216 Fairview Avenue. The applicant is also requesting a Special Use Permit for this two-unit use because two-unit dwellings that are not located within a planned unit development require Special Use Permit approval per Section 47-7.2 of the City's Zoning Ordinance. Finally, the applicant is requesting a series of Variations:

- A Variation to reduce the required front yard setback from 30 feet to 12 feet.
- A Variation to reduce the required side yard setback (north side) from 8 feet to 6 feet
- A Variation to reduce the required lot width from 60 feet wide to 50 feet wide
- A Variation to reduce the required lot area from 7,500 square feet to 6,565 square feet.
- A Variation to reduce the required lot area per family from 7,500 square feet to 3,282.5 square feet per family.

The Variation of Use request and Special Use Permit requests must be considered by the City Council following the recommendation of the Zoning Board of Appeals. The Zoning Board of Appeals makes the final decision on these Variation requests.

Site Specific Information

The subject property is a vacant lot within the Forest Park neighborhood. The property previously had a single-family house but has been a vacant lot for the past few decades. The property is zoned R-2 (Single Family Residential) as are the surrounding properties.

The vacant lot is approximately 6,565 square feet in size and has a 50-foot lot width. It is therefore a non-conforming lot as R-2 zoned lots require a minimum lot area of 7,500 square feet as well as a lot width of 60 feet.

Surrounding Zoning, Land Use and Character

All nearby properties are zoned R-2 (Single Family Residential) zoning. The property directly across from the subject site is zoned R-3 (One and Two Family Residential).

Applicable Regulations

- Section 47-6 R-2 (Single-Family Residential) District
- Section 47-7 R-3 (One-and Two-Family Residential) District
- Section 47-17.28 Variation of Use

Section 47-17.28: Variation of Use: A “variation of use” shall be defined to mean relief from strict compliance with the use limitations of the Ordinance regarding the classification, regulation, and restriction of the location where trades, industries, businesses, and residences may exist.

Discussion

The petitioner wishes to construct a two-story duplex on the existing vacant lot. The proposed structure would have a front yard setback of 12 feet, which is subject to this variation request, and 58 foot rear yard setback, which exceeds the 25 foot rear yard setback requirement. The proposed structure would have a side yard setback of 6 feet, which is subject to this variation request as the minimum required side yard setback is 8 feet for a two story structure. His proposal includes four off-street tenant parking spaces at the rear of the property.

Each unit in the proposed duplex will be 1,100 square feet in size. Each unit will maintain a separate entrance with Unit One’s entrance at the front and Unit Two at the rear. Each unit will have living space, including a half-bath, on the first floor and three bedrooms and full bathroom on the second floor. The petitioner intends for the units to be renter-occupied, and both units will be enrolled in the rental inspection program.

The site plan, building renderings, along with elevations, are included in the staff report packet.

Recommended Action

Staff recommends considering the Variation of Use, Special Use and Variation requests separately and voting on these requests as separate items.

Staff does not find that the Variation of Use request for a two-unit in a single-family zoning district meets the criteria for hardship or practical difficulties. However, the proposed two-

story duplex would not alter the essential character of the area as the area has a mix of one and two-story buildings. The property will also accommodate the required number of off-street parking spaces. Staff finds that the proposal meets the criteria for a Special Use Permit. The establishment of two-story would not be detrimental to the health or general welfare of the public nor will it impede the use and enjoyment of neighboring properties. The approval of the Variation of Use, Special Use, and Variation on Lot Area per family would allow one additional dwelling unit within the neighborhood.

Staff supports the variation request to reduce the required front yard setback of the proposed structure from 30 feet to 12 feet as it would enable the proposed structure to better align with the existing setbacks of the adjacent properties and allow more useable rear lot space for off-street parking and tenant enjoyment. Staff also supports the variation requests for lot width reduction and lot area reduction as it enables the possibility for a future residential structure on this lot. While staff does not find a hardship for the variation to reduce the side yard setback from 8 feet to 6 feet, staff does not find that it would alter the essential character of the area as there are other examples of this side yard setback in the neighborhood.

Conditions

If the Zoning Board desires to approve the Special Use Permit and Variation of Use to allow a duplex, an R-3 (one-and two-family residential) use, in the R-2 (single-family residential) zoning district, staff recommends that the following conditions would be included:

1. That a building permit shall be applied for and approved prior to any construction commencing.
2. That the property shall be enrolled in and comply with the City's Rental Inspection Program.
3. That the use of the property shall not be expanded in the future.