



## Memo

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**File #:** 140-24

**Agenda Date:** 3/19/2024

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**TO:** Mayor and City Council

**FROM:** Beth Beatty, City Manager

**SUBJECT:**

**Ordinance Approving a Variation of Use to Allow Continuation of a Three-Unit Residence in an R-1 (Single-Family Residential) Zoning District, Located at 506 Manhattan Road (ZBA 2024-04)**

**BACKGROUND:**

The petitioner and property owner, Eugene Kazmark Jr., is requesting a Variation of Use to allow the continuation of an existing three-unit residence at 506 Manhattan Road. According to the petitioner, the owners purchased the property in 1947 as a three-unit and have maintained the property as a three-unit since then. The property was classified to R-1 (single-family residential) zoning when it was annexed into the City in 1964, though City directory data shows it was likely a multi-unit use at that time. The property has been inspected as a three-unit through the Neighborhood Services Rental Inspection Program since 1986. Notes from the Neighborhood Services history of the property say that in 1989, City staff stated that the three-unit structure was “grandfathered” until the property was sold or changed ownership. Later notes, from 2001 and on, continue to list the zoning and use as grandfathered. The zoning mismatch was recently brought to Planning staff’s attention, and staff determined that at this point in time, a Variation of Use would be needed. The petitioners are now requesting the Variation of Use to fulfill this zoning requirement. There are no proposed changes to the property.

The property has been inspected as a three-unit by Neighborhood Services for 38 years. The property is currently in good standing, with no outstanding violations and a four-year rental inspection certificate that expires in December 2027. Neighborhood Services does not have any concerns about the property remaining as a three-unit. If the Variation of Use is approved, the property will remain in the Rental Inspection Program.

The house has a two-bedroom unit and a one-bedroom unit on the main floor, and a two-bedroom unit on the second floor. The total living space is approximately 2,280 square feet. The detached garage and paved driveway can accommodate five off-street parking spaces, which is the minimum number of spaces required for a three-unit residence.

According to City Directory data, the residence contained at least two units from around 1947 onward. The property was annexed in 1964 as part of the larger piece of land (3.8 acres) owned by the petitioner and their family that also included the Remin Laboratories building at 510 Manhattan Road. The property was classified to R-1 (single-family residential) zoning at that time, and this is still its current zoning designation. Remin Laboratories is still owned and operated by the family, and they also own the single-family residence at 5 Remin Lane, to the south of the subject property.

**ZONING BOARD OF APPEALS PUBLIC HEARING:**

The Zoning Board of Appeals held a public hearing on this matter on February 15, 2024. Heather Kazmark, family member of the petitioner, represented the petition. No one appeared or submitted comments in opposition to the petition. Meeting minutes are attached.

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS:**

Jim Riggs moved that the Zoning Board of Appeals recommend approval of the Variation of Use request to allow continuation of a three-unit residence in an R-1 (single-family residential) zoning district, located at 506 Manhattan Road, subject to the following conditions:

1. That off-street parking spaces for a minimum of five vehicles shall remain in the future;
2. That the use of the property shall not be expanded in the future;
3. That the property shall remain in and comply with the City's Rental Inspection Program; and
4. Should the property be declared a public nuisance by the City Council, the property may be subject to a rehearing and a possible revocation of the Variation of Use.

Ralph Bias seconded the motion, which passed with four (4) aye votes. Voting aye were: Hennessy, Nachtrieb, Bias, and Riggs. Voting nay were: none. Absent were: McShane, Alessio, and Roehr.

**RECOMMENDATION:**

The Administration concurs with the recommendation of the Zoning Board of Appeals and recommends the Mayor and City Council adopt an Ordinance approving the Variation of Use to allow continuation of a three-unit residence in an R-1 (single-family residential) zoning district, subject to the same conditions approved by the Zoning Board of Appeals above.