



ZONING BOARD OF ADJUSTMENT

Date of Hearing: March 5, 2026
Date of Decision: April 13, 2026

Zone Case: 9 of 2026
Address: 1709 Termon Avenue
Lot and Block: 75-B-101
Zoning Districts: R2-M
Ward: 27
Neighborhood: Brighton Heights

Request: Use of accessory dumpster

Application: BDA-2025-10163

Variance	Section 903.03.C.2	20' front setback required; 0' requested 5' side setback required; 1' requested
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Appearances:

Applicant: Melanie Palermo, Glenn Wagner

Findings of Fact:

1. The Subject Property is located at 1709 Termon Avenue in an R2-M (Residential Two-Unit Moderate Density) District in Brighton Heights.
2. The topography of the site has a significant slope from the front property line to the rear and no access is available to the rear of the site.
3. A 1981 Certificate of Occupancy permits the use of the three-story structure on the Subject Property for "Multiple Family Dwelling with eight units."
4. The structure on the Subject Property is set back 16' from Termon Avenue, 0' from the property line shared with the parcel at 1713 Termon Avenue and 3' from the property line shared with the vacant Parcel No. 75-B-104, which the Applicant owns.
5. The Applicant explained that, for a significant period of time, the building tenants used individual garbage cans that were stored in the front yard of the Subject Property.

6. Without obtaining permission from the City, the Applicant constructed a dumpster enclosure to replace the garbage cans stored in the front yard. The dumpster enclosure is set back 0' from Termon Avenue and 1' from the interior side shared with Parcel No. 75-B-104.

7. The Applicant explained that the dumpster and the enclosure are intended to reduce the impacts of on the surrounding properties of having individual garbage cans stored in the front yard of the property.

8. The Applicant explained that the location of the building and topography of the site are unique characteristics that preclude the location of a dumpster in compliance with the Code's setback requirements.

9. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Pursuant to the 1981 Certificate of Occupancy, use of the Subject Property for an 8-unit multi-unit building in the R2-M District is legally nonconforming.

2. Section 903.03.C.2 set forth the site developments standards for R2-M Districts, including minimum 20' front and 5' interior side setback requirements.

3. The Applicant seeks dimensional variances to allow a dumpster enclosure in the front yard of the Subject Property, with a 0' front and 1' interior side setbacks.

4. The Applicant presented credible evidence that the topography and location of the building are unique characteristics that preclude strict compliance with the setback standards, and that the dumpster enclosure would replace individual trash cans and would improve the impact of trash disposal for the multi-unit building on nearby properties.

5. Consistent with the evidence and testimony presented to the Board, and the applicable legal standards governing dimensional variances, the Board concludes that approval of the request is appropriate.

Decision: The Applicant's request for dimensional variances from Section 903.03.C.2 to allow a dumpster enclosure with limited front and side setback is hereby APPROVED.

s/Alice B. Mitinger
Alice B. Mitinger, Chair

s/Lashawn Burton-Faulk
LaShawn Burton-Faulk

s/ John J. Richardson
John J. Richardson

Note: Decision issued with electronic signatures, with the Board members' review and approval.