



ZONING BOARD OF ADJUSTMENT

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

Zone Case: 10 of 2026
Address: 5409 Hillcrest Street
Lot and Block: 50-H-144, 142, 140
Zoning Districts: R2-H
Ward: 11
Neighborhood: Garfield

Request: Three Houses

Application: BDA-2025-12551

Variance	Sections 903.03.D.2/925.06.C	3' interior side setback required; 0' requested
----------	---------------------------------	--

Appearances:

Applicant: Amanda Priano

Observing: Devon Colby

Findings of Fact:

1. The Subject Property is located on Hillcrest Street in an R2-H (Residential Two Unit High Density) District in Garfield.
2. The Subject Property is comprised of three adjacent vacant lots that are identified as Parcels Nos. 50-H-144, 50-H-142 and 50-H-140.
3. The Subject Property has an irregular, trapezoidal shape and the combined area of the three parcels is approximately 6,700 sf.
4. The side of Parcel No. 50-H-140 abuts the rear of the parcel at 413 N. Graham Street.
5. In Zone Case No. 57 of 2019, the Board granted variances from the Code's interior side setback standards to allow for the construction on the Subject Property of three attached structures, with limited setbacks. The 2019 approval expired.

6. The Applicant now again proposes to construct three detached houses on the Subject Property. Each of the new houses would have integral garages with access from curb cuts on Hillcrest Street.

7. As proposed, the house on Parcel No. 50-H-144 would extend to the property line shared with Parcel No. 50-H-566, with a 0' setback, and would be set back 5'-4" from the property line shared with Parcel No. 50-H-142. The house on the middle Parcel No. 50-H-142 would extend to the property lines shared with both Parcel Nos. 50-H-144 and 140, with 0' setbacks. The house on Parcel No. 50-H-140 would be set back 5'-1" from the property line shared with Parcel No. 50-H-142 and would extend to the property line shared with the rear property line of the 413 N. Graham Street parcel, with a 0' setback.

8. The proposed houses would otherwise comply with the Code's dimensional standards.

9. The Applicant asserted that the width of the parcels is a unique characteristic that precludes strict compliance with the Code's setback standards, and that the proposed setbacks are the minimum that would afford relief.

10. The Applicant presented photographs of other properties in the proximate area of the Subject Property that do not comply with the Code's setback standards.

11. Devon Colby, the owner of the 413 N. Graham Street property, appeared at the hearing to express concerns about the impact of proposed 0' setback at the side of Parcel No. 50-H-140 and the rear of his property.

12. After the hearing, the Applicant and Mr. Colby met to discuss the project, and the developer committed to installing a fence along the shared property line between Parcel No. 50-H-140 and the 413 N. Graham Street parcel.

Conclusions of Law:

1. The site development standards for R2-H Districts in Sections 903.03.D.2 and 925.06.C. include the 3' interior side setback requirement.

2. The Applicant seeks variances to allow 0' interior side setbacks to allow for the construction of three houses on the Subject Property, in the configuration presented to the Board.

3. The Applicant presented credible evidence that the width of the lots that comprise the Subject Property is a unique characteristic that precludes strict compliance with the Code's setback standards, and that the proposal represents the minimum variances that would allow for construction of three houses on the site.

4. One of the 0' setbacks requested is from the interior side property line of Parcel No. 50-H-140 as shared with the rear property line of the 413 N. Graham Street parcel. The Applicant committed to providing a fence on the property line.

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

Decision: The Applicant's request for variances from Sections 903.03.D.2/925.06.C to allow the construction of three houses with 0' side setbacks, as described to the Board, is hereby APPROVED; subject to the condition that a fence shall be constructed along the property line shared with the 413 N. Graham Street parcel.

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.