

TO: Committee of Adjustments
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: January 19, 2016
SUBJECT: Case #16-01

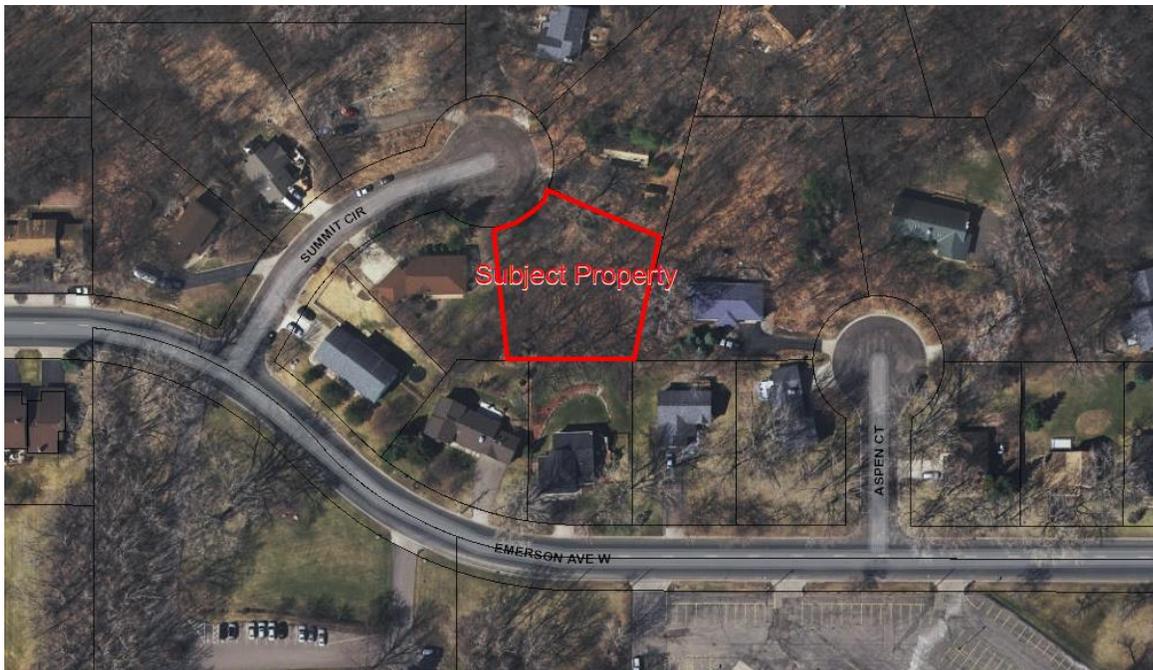


REQUEST

Joel and Pat Liesener are requesting a Variance to reduce the minimum front yard setback for the construction of a new single family home at 1392 Summit Cir.

Attachments:

Draft Findings of Fact
Application
Notice
Site Plan



EXISTING LAND USES

The subject property consists of a vacant lot. Adjacent properties consist of single family homes.

ZONING

The subject property and all adjacent properties are zoned R1-B, Single Family Residential.

BACKGROUND

The applicants are proposing to construct a new two-story walkout home on the vacant parcel. However, due to the topography of the property, specifically the property sloping away from the front of the parcel, the applicants are requesting a variance to locate the front of the home within the front yard setback to minimize impact to the natural slope and tree coverage.

VARIANCE REQUESTED

Variance to allow reduction in front building setback:

7.4 Lot Area, Heights, Lot Width, Yard and Other Requirements.

1. The following minimum requirements shall be observed subject to the additional requirements, exceptions, and modifications as set forth elsewhere in this Ordinance:
 - c. Yard, Building Setback
 - i. Front: 30 ft.

The Zoning Ordinance requires a minimum front yard building setback of 30 ft. in the R1-B District. The applicants are requesting a front yard building setback of 10.5 feet, thus a variance of 19.5 feet.

ANALYSIS

In reviewing Variance requests, the following section of the Zoning Code, Section 5.3 (1) (b-d), is utilized:

(b) Criteria for Granting a Variance. A Variance may only be granted by the Committee of Adjustments when:

- i. The Variance is in harmony with the general purpose and intent of the Ordinance;
- ii. The terms of the Variance are consistent with the Comprehensive Plan; and
- iii. The applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

(c) Definition of Practical Difficulties. “Practical Difficulties” as used in connection with the granting of a Variance means that:

- i. The property owner proposes to utilize the Property in a reasonable manner;
- ii. The plight of the property owner is due to circumstances unique to the Property that were not created by the property owner; and

iii. The Variance will not alter the essential character of the neighborhood.

(d) Restrictions on Granting Variances. The following restrictions shall be applied when considering granting a Variance:

i. Economic considerations alone do not constitute practical difficulties.

ii. The Committee of Adjustments may not permit as a Variance any Use that is not allowed in the Zoning Ordinance for Property in the district where the affected person's land is located (i.e. a Use Variance).

Per the attached pictures, the subject property has considerable slope from front to back. As a result, placing the proposed home at the the 30 ft. setback requirement would require considerable amounts of fill be brought in (up to 8 feet in some locations). In addition, in order to maintain appropriate slopes from the home, additional fill would be required for the side and rear yards of the property which would require the removal of additional tree cover. Placement of the home at the requested location (10.5 feet from the front line) allows the homeowners to place the home in a location that suits the natural topography of the site and maintain tree coverage and site lines for neighboring homes, resulting in less impact to the property and neighborhood.

Staff does not feel that the request is detrimental to the public nor does it present inconsistency with the Comprehensive Plan. Staff believes that the applicant is proposing to utilize the property in a reasonable manner (construction of a new single family home in a single family neighborhood) and that the practical difficulties are unique to the property (topography). As a result, the proposed request should not alter the essential character of the neighborhood.

STAFF RECOMMENDATION

Based on the above comments, Staff recommends APPROVAL of the VARIANCE to allow for a reduction in front yard building setback (variance of 19.5 feet):

1. The applicant shall apply for all applicable building permits for the construction of the new home.
2. The proposed home shall be constructed according to the submitted plans as reviewed through the Variance process.

FINDINGS OF FACT

A proposed Resolution adopting findings of fact for the Variance is attached for your consideration.