

TO: Committee of Adjustments
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: June 21, 2016
SUBJECT: Case #16-04

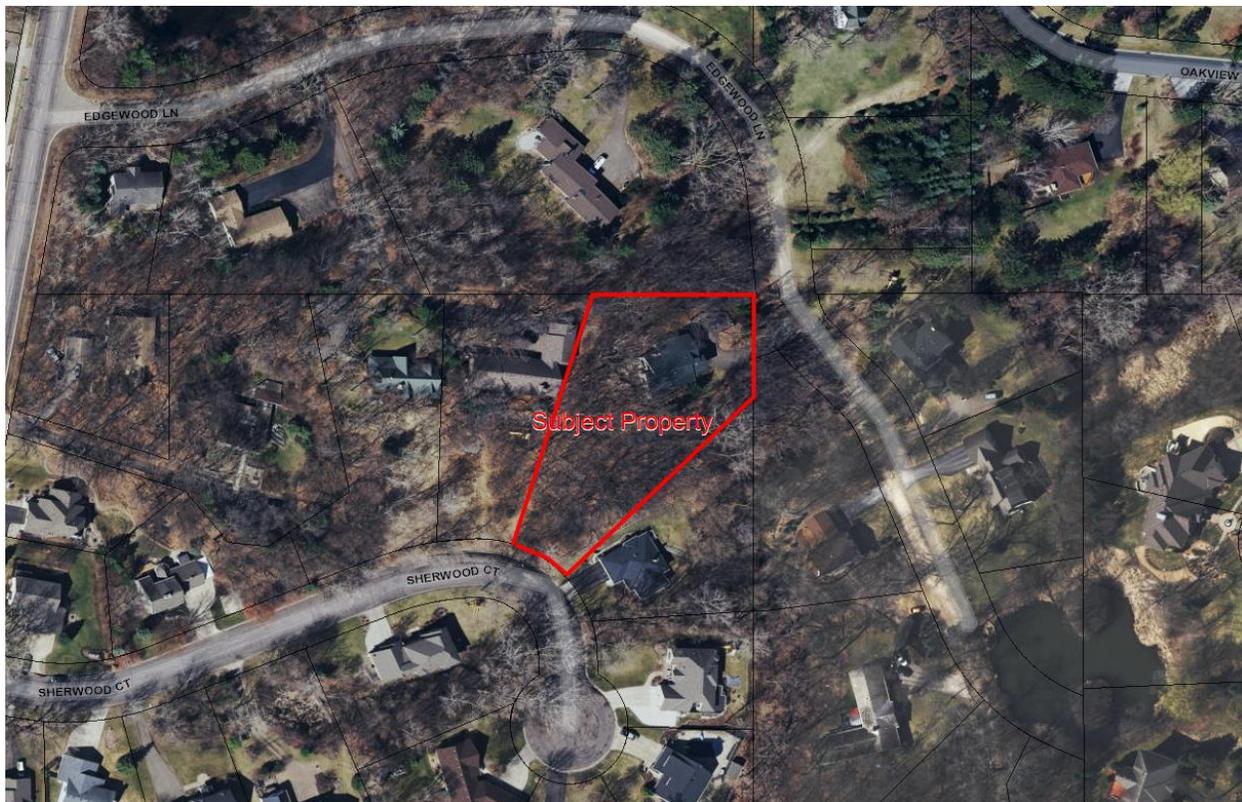


REQUEST

Sylvia Dorsey is requesting Variance approval to reduce the required minimum lot width from 100 feet to 77.2 feet in order to subdivide a second lot at 260 Edgewood (proposed lot would actually have frontage on Sherwood Ct.).

Attachments:

Draft Findings of Fact
Application
Notice
Proposed Plat Plan



EXISTING LAND USES

The subject property and adjacent properties consist of a single-family homes.

ZONING

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

BACKGROUND

The applicant is proposing to subdivide her existing single-family lot into two lots. In order to subdivide the property, the newly created lot must meet the minimum lot width and minimum lot size requirements. Although the proposed new lot meets the minimum lot size requirement of 15,000 sq. ft., the proposed lot does not meet the minimum lot width of 100 feet. As a result, in order to subdivide the lot, a Variance is needed.

VARIANCE REQUESTED

Variance to allow reduction in minimum lot width:

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

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Width*</i>	
Corner lot	100 feet
Interior lot	100 feet

The Zoning Ordinance requires a minimum lot width of 100 ft. in the R1-C District. The applicants are requesting a minimum lot width of 77.2 feet resulting in a variance of 22.8 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).

REVIEW

Per the attached drawing, the subject property has access to two streets, Edgewood Lane to the northeast and Sherwood Ct. to the southwest. The existing home is located on the northern half of the property and is accessed via Edgewood Lane. The applicant is proposing to subdivide the southern half of the property. As mentioned, the proposed lot meets the minimum lot size requirement for the R1-C District however it does not meet the minimum width requirement.

The property frontage along Sherwood Ct. is located at a curve in the street. As a result, the property is pie-shaped, similar to that of properties located in cul-de-sacs with the property being narrow at the front and wide at the rear. The two adjacent parcels have similar shapes with similar narrow frontages of 88.28 feet and 74.47 feet as measured at the front setback line.

Based on the fact that the adjacent properties have similar lot widths and the fact that the subject property widens to the rear and exceeds the minimum lot size by 2,000 sq. ft., Staff is comfortable recommending approval of the request.

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 (pie shape of property). As a result, the proposed request should not alter the essential character of the neighborhood.

PUBLIC INPUT

As a result of the notice sent to all adjacent property owners, Staff received a call from two neighboring property owners who inquired about the request.

A neighboring property owner expressed concern regarding drainage and how a new home might impact drainage to her property. Staff explained that the City reviews drainage for all new homes through the building permit process. Staff mentioned that a recommended condition of approval will be included requiring that drainage concerns be reviewed if and when a new home is constructed.

A second neighbor called and informed Staff that she is not in favor of the proposed Variance. The neighbor followed up with the attached email as to the reasons why since she is unable to attend the meeting. Please see the attached email for more information.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the VARIANCE to allow for a reduction in minimum lot width (variance of 22.8 feet):

1. The applicant shall apply for an administrative plat review to subdivide the new lot per the submitted plat plan within one year of this approval.
2. Should application of a building permit be submitted in the future for the construction of a new home on the newly created lot, the applicant shall submit proper drainage plans to mitigate any potential impact to neighboring property owners.

FINDINGS OF FACT

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



View looking at the property from the South on Sherwood Ct.



View looking at the property from the west on Sherwood Ct.