

Board of Zoning Adjustment

Staff Report

March 21, 2016



Case No:	15VARIANCE1094
Request:	To allow a proposed front porch to encroach in the front yard setback
Project Name:	6714 Crossmoor Lane
Location:	6714 Crossmoor Lane
Owner:	George W. Lynch
Applicant:	Mark S. Brewer
Representative:	Mark S. Brewer
Jurisdiction:	Greymoor/Devondale
Council District:	7- Angela Leet
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from section 5.1.10.C to encroach in the Minimum Front Yard Setback by 2 feet for the purpose of building an unenclosed front porch.

Location	Requirement	Request	Variance
Front Yard Setback	10' ft.	12' ft.	2' ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a 12' x 12' unenclosed porch onto the front of the home that would encroach in the front yard setback by 2 feet as permitted by LDC 2006 (Greymoor/Devondale) section 5.1.10.C. The owner's home is a two story flat front home with an attached garage on the northeastern side that is accessible by the rear only. Many homes in the area have small front porches that do not protrude into the front yard which does make this case unique. However, the owner is constructing the front porch to allow for use of the front entrance should he ever be incapacitated, as stated in the applicant's justification.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	Neighborhood (N)
Proposed	Residential Single Family	R-5	Neighborhood (N)
Surrounding Properties			
North	Residential Single Family	R-5	Neighborhood (N)
South	Residential Single Family	R-5	Neighborhood (N)
East	Residential Single Family	R-5	Neighborhood (N)
West	Residential Single Family	R-5	Neighborhood (N)

PREVIOUS CASES ON SITE

No previous cases associated with the subject property.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the applicant is requesting to build an unenclosed porch that would encroach into the front yard setback by 2 feet and would be at a distance of 20 feet from the public sidewalk.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the porch and roof will blend architecturally with the existing house. However, many homes in the general vicinity do not have front porches that protrude from the front of the home.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the unenclosed porch would be on the applicant's property and is encroaching into the front yard setback by 2 feet. The proposed porch would be at a distance of 20 feet from the public sidewalk and the owner has stated they would have a small bench on the porch for seating.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the zoning regulations allow for an unenclosed front porch in the front yard setback for an R-5 in the Suburban Neighborhood form district by up to 10 feet per LDC (Greymoor/Devondale) section 5.1.10. The current stoop is 8 ft. by 4 ft. with no cover or awning. The proposed unenclosed porch will exceed front setback as a result of the roof cover.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since some of the homes along Crossmoor Lane already have attached unenclosed front porches.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since this unenclosed front porch would allow the owner to use the front door of the home for entry should he be wheelchair bound in the future.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since no construction has been undertaken. Also, the applicant and representative are making, in their own words, “a pro-active stance to do it right”.

TECHNICAL REVIEW

- See agency comments for development plan review comments.

STAFF CONCLUSIONS

The variance poses no risk to public health or safety and allows the homeowner to have an unenclosed front porch that would be protected from the elements and would allow for the future use of the front of the house should the owner become incapacitated.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code (Greymoor/Devondale 2006) from section 5.1.10.C.

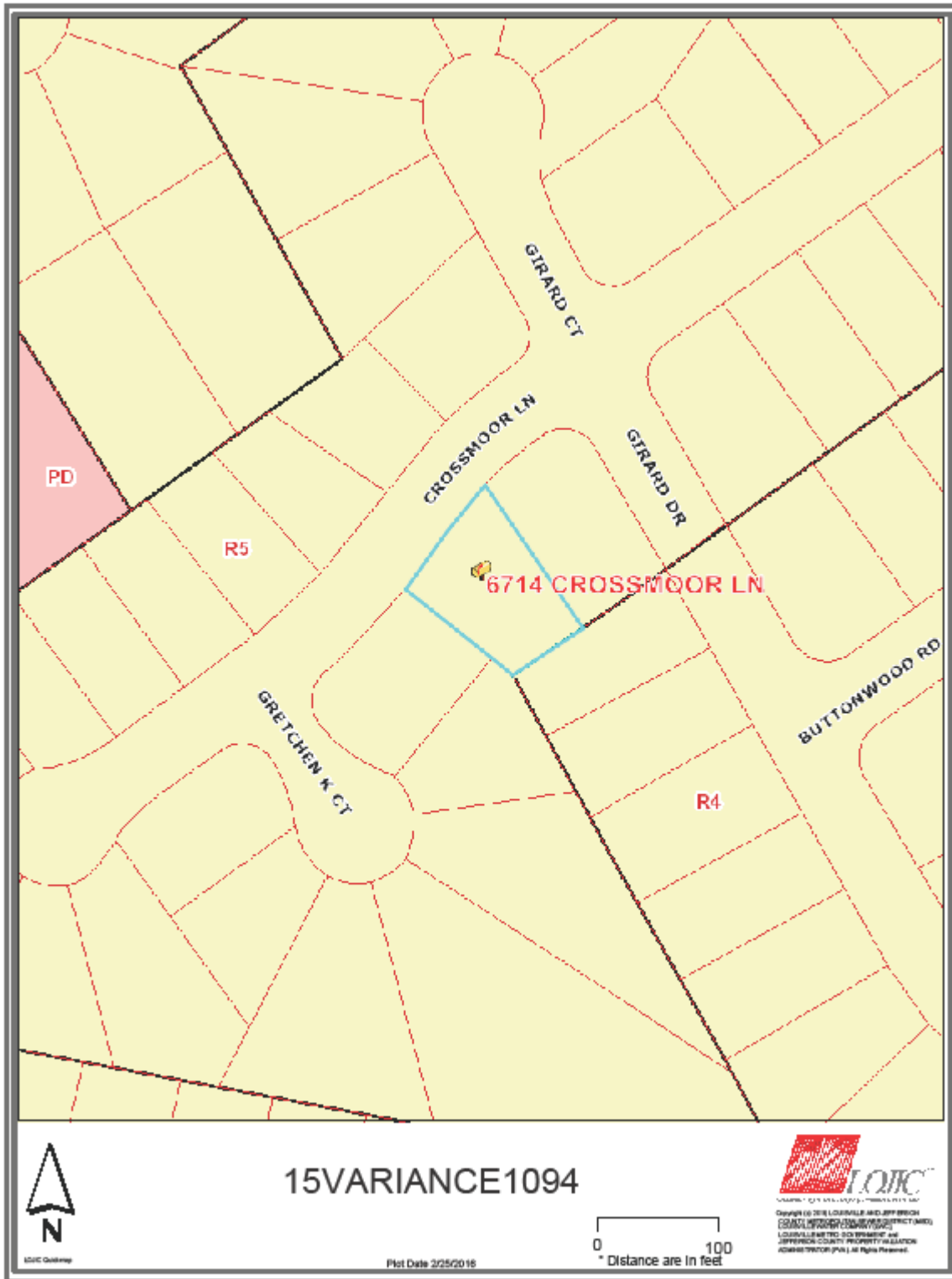
NOTIFICATION

Date	Purpose of Notice	Recipients
March 4, 2016	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District ___ Notification of Development Proposals
March 4, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Inspection Report

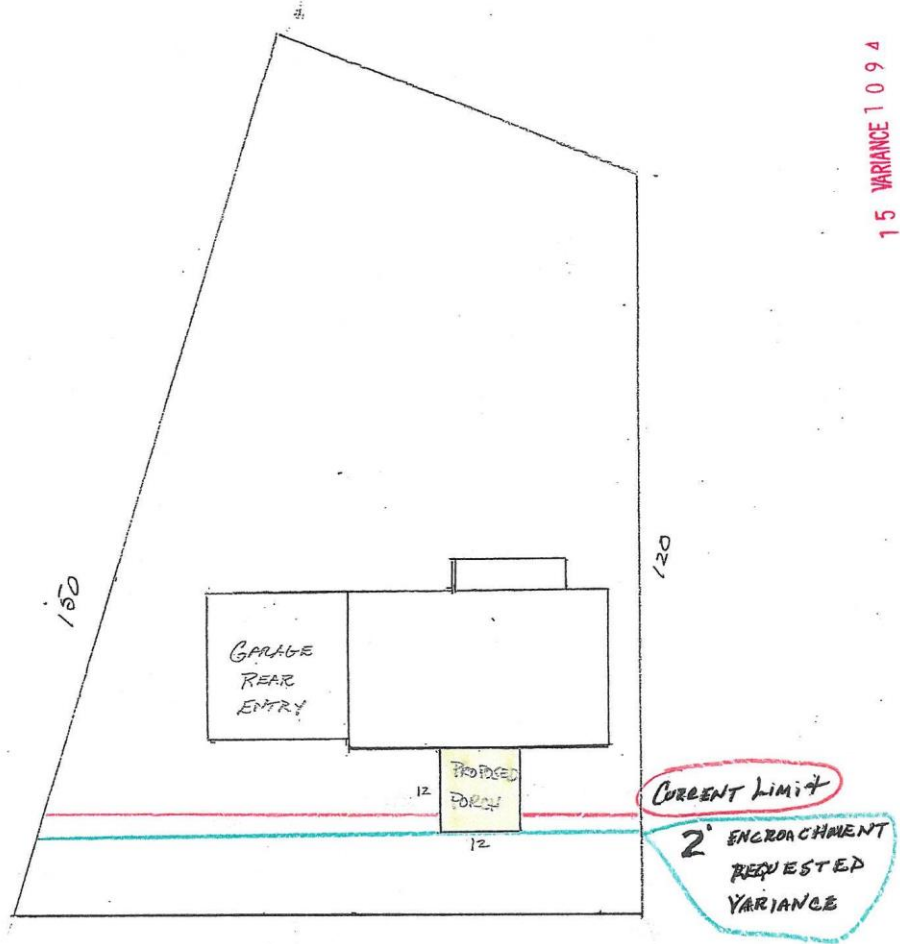
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Lynch Residence Proposed Pool Addition

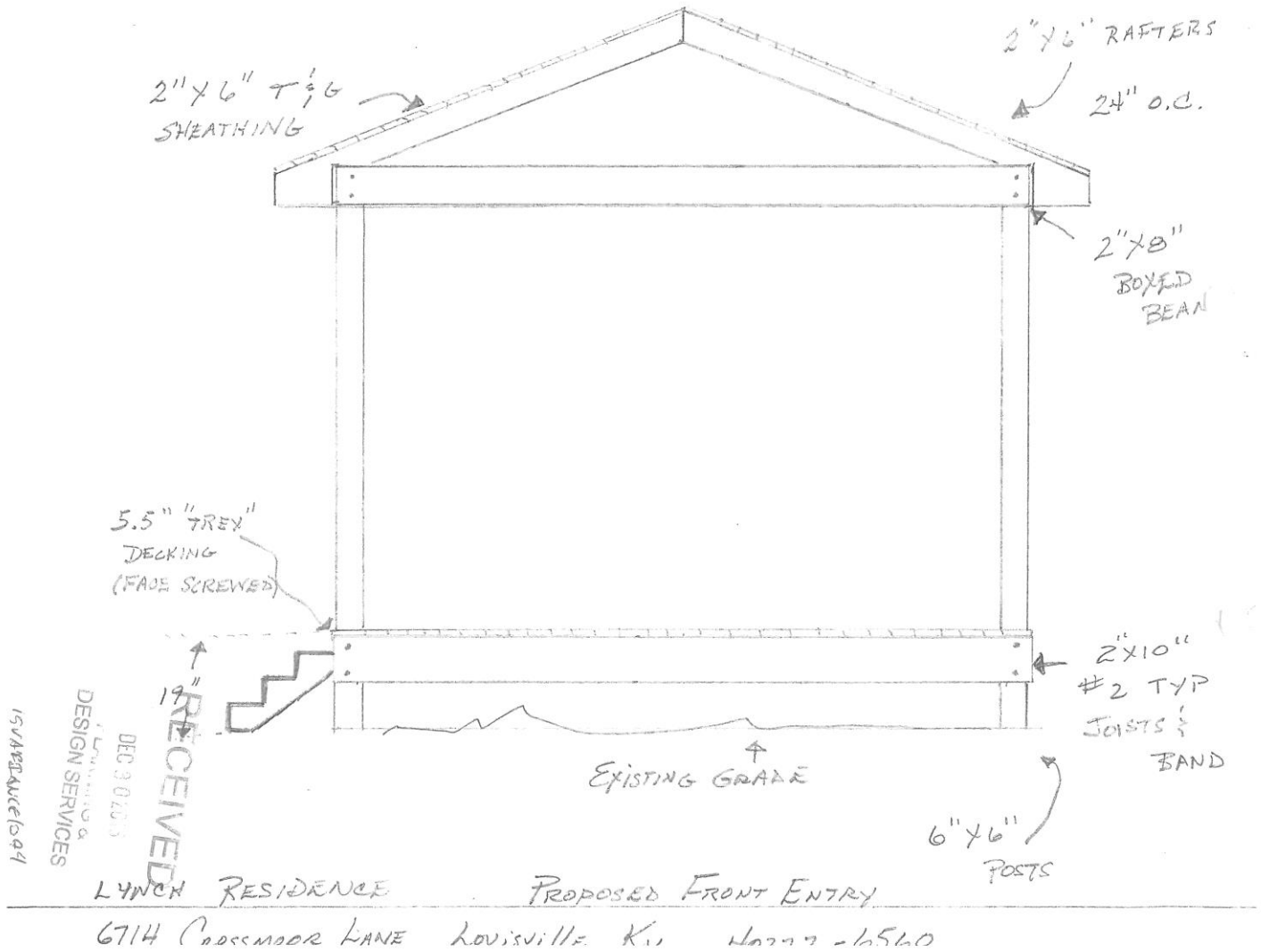
6714 CROSSMOOR LANE #0222



← 160'

INTERSECTION OF GIRARD DRIVE / CROSSMOOR

4. Elevation



5. Site Inspection Report



The front of the home at 6714 Crossmoor Lane (looking southeast).



Looking northeast across the front of the home.

Site Inspection Photos Continued



Looking Southwest along the front of the home.



Looking Northeast at the front porch that would be built upon and out from the front of the home.