

# Board of Zoning Adjustment

## Staff Report

June 17, 2019



|                          |                                   |
|--------------------------|-----------------------------------|
| <b>Case No:</b>          | 19VARIANCE1046                    |
| <b>Project Name:</b>     | Triple Crown Court Variance       |
| <b>Location:</b>         | 12102 Triple Crown Court          |
| <b>Owner:</b>            | Gregory & Deidra Arends           |
| <b>Applicant:</b>        | Danny Wilkerson – Champion Window |
| <b>Jurisdiction:</b>     | City of Middletown                |
| <b>Council District:</b> | 20 – Stuart Benson                |
| <b>Case Manager:</b>     | Zach Schwager, Planner I          |

### REQUEST

- **Variance** from City of Middletown Development Code table 5.3.1 to allow a structure to encroach into the required rear yard setback.

| Location  | Requirement | Request | Variance |
|-----------|-------------|---------|----------|
| Rear Yard | 25 ft.      | 3.3 ft. | 21.7 ft. |

### CASE SUMMARY/BACKGROUND

The subject property is in the Belmont Park Section 2 subdivision in the City of Middletown. It is zoned R-5 in the Neighborhood Form District. It contains a one-story single-family residence. The applicant is proposing to add windows to an existing screened in porch, which would add this existing area to the gross floor area of the home. There is no proposed addition that will add to the footprint or gross floor area.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 City of Middletown Development Code from table 5.3.1 to allow a structure to encroach into the required rear yard setback.

### INTERESTED PARTY COMMENTS

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 as the structure will be constructed to comply with all building codes, including fire codes.

- (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 as the only alteration to the structure is changing existing screens to windows.

- (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 as there is no change to the building footprint or gross floor area.

- (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 as there is no change to the building footprint or gross floor area.

### **ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the subject property is similar in size to the surrounding properties.

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 create an unnecessary hardship on the applicant because the only proposal is to change the existing screens to glass windows.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

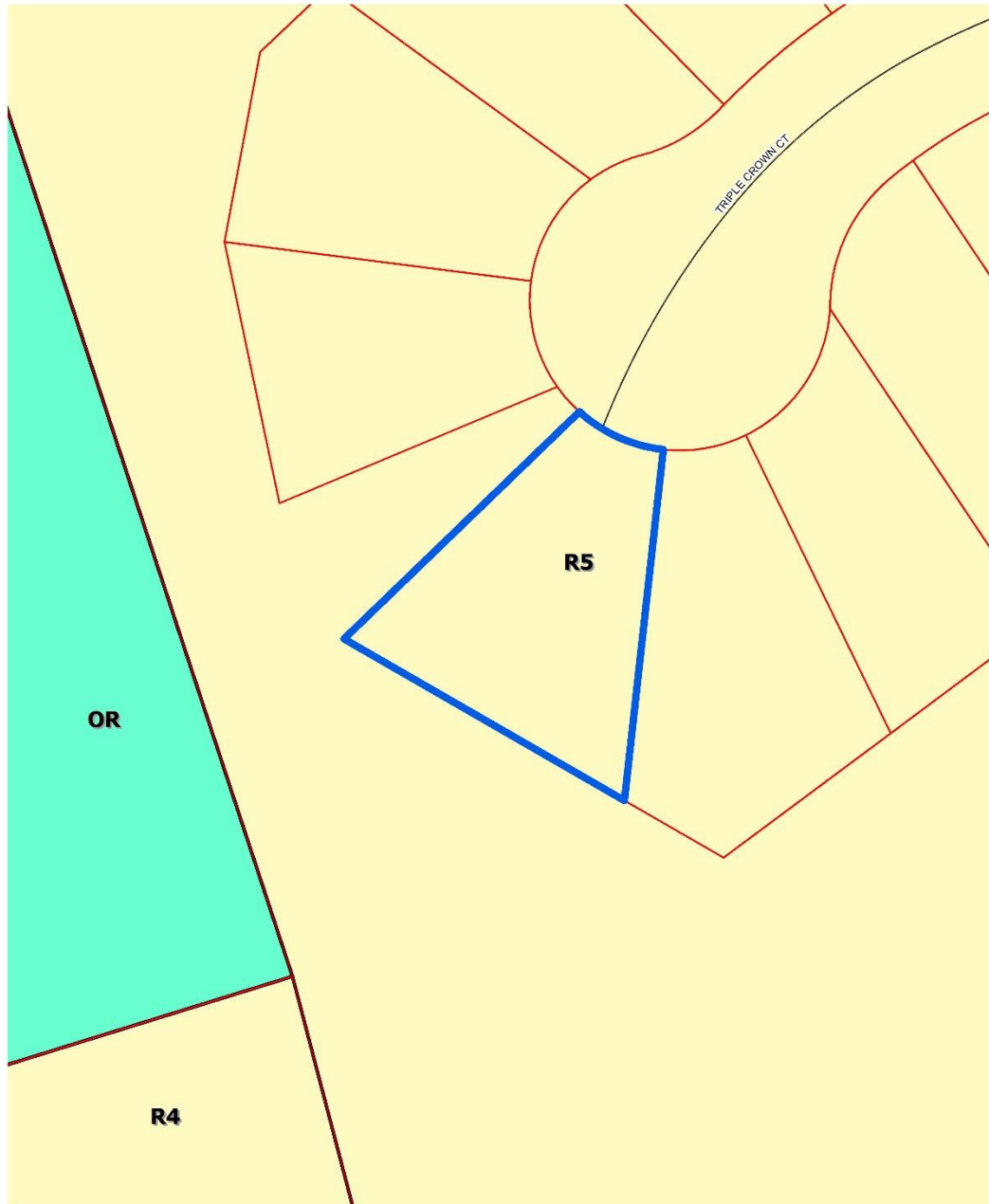
**NOTIFICATION**

| Date              | Purpose of Notice   | Recipients                                            |
|-------------------|---------------------|-------------------------------------------------------|
| <b>05/23/2019</b> | Hearing before BOZA | 1 <sup>st</sup> tier adjoining property owners        |
| <b>05/29/2019</b> |                     | Registered Neighborhood Groups in Council District 20 |
| <b>06/10/2019</b> | Hearing before BOZA | Notice posted on property                             |

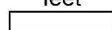
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



12102 Triple Crown Court  
feet



30

Map Created: 6/12/2019



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2. Aerial Photograph



12102 Triple Crown Court

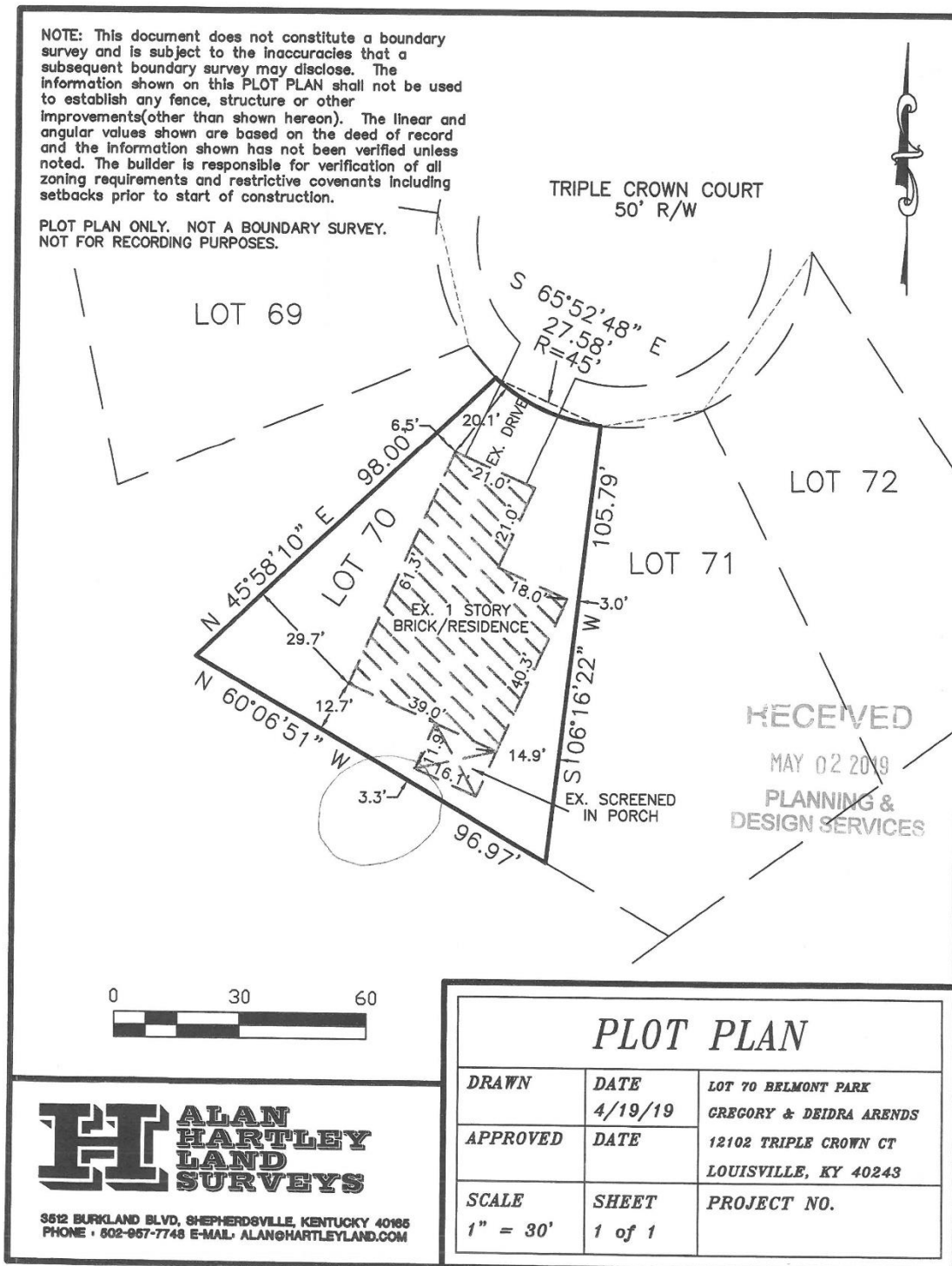
feet  
30

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### 3. Site Plan





4. Site Photos



Front of subject property.





Property to the right.





Property to the left.





Existing screened in porch.