

Board of Zoning Adjustment
Staff Report
 November 20, 2017



Case No:	17VARIANCE1085
Project Name:	Bee Hive Homes
Location:	8401 La Grange Road
Owner(s):	Flip Flop Land, LLC
Applicant:	Flip Flop Land, LLC
Jurisdiction:	City of Lyndon
Council District:	7 – Angela Leet
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST

- **Variance** from City of Lyndon Land Development Code section 5.3.1 to allow an addition to an existing structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	20 ft.	17 ft.	3 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of Lyndon in eastern Jefferson County. The applicant has proposed three building additions to an existing assisted living facility. Two of the additions are on the east side of the building along the alley and comply with side setbacks. The addition on the west side of the building, facing Etawah Ave is an extension of the existing façade which is currently setback 17' front the right-of-way. A street-side yard variance was granted for the existing building in 2005. A Revised Detailed District Development plan is scheduled to be heard by the Land Development & Transportation Committee on November 30, 2017.

Previous Cases:

- 9-60-03: Change in Zoning from R-5 to R-5A and a waiver to allow the proposed building to encroach into the required 15' LBA. Approved March 18, 2004.
- B-112-05: Variance for street side yard encroachment. Approved July 18, 2005.

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 Lyndon Development Code from section 5.3.1 to allow an addition to an existing structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 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 setback of the building addition will be extending the building façade away from the intersection and will not affect sight lines for vehicles or pedestrians.

- (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 addition will be compatible with the existing building and setback the same as the existing façade.

- (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 the setback of the building addition will be extending the building façade away from the intersection and will not affect sight lines for vehicles or pedestrians.

- (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 the proposed setback is an extension of the existing building wall which was previously granted a variance of 3'.

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 as the lot width is not ideal for a non-residential use and the existing footprint renders compliance with the side yard setback difficult.

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 by requiring the applicant to redesign the interior of the building for the addition.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the setback regulation has been in place before even the original building footprint was established.

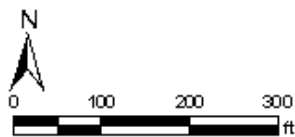
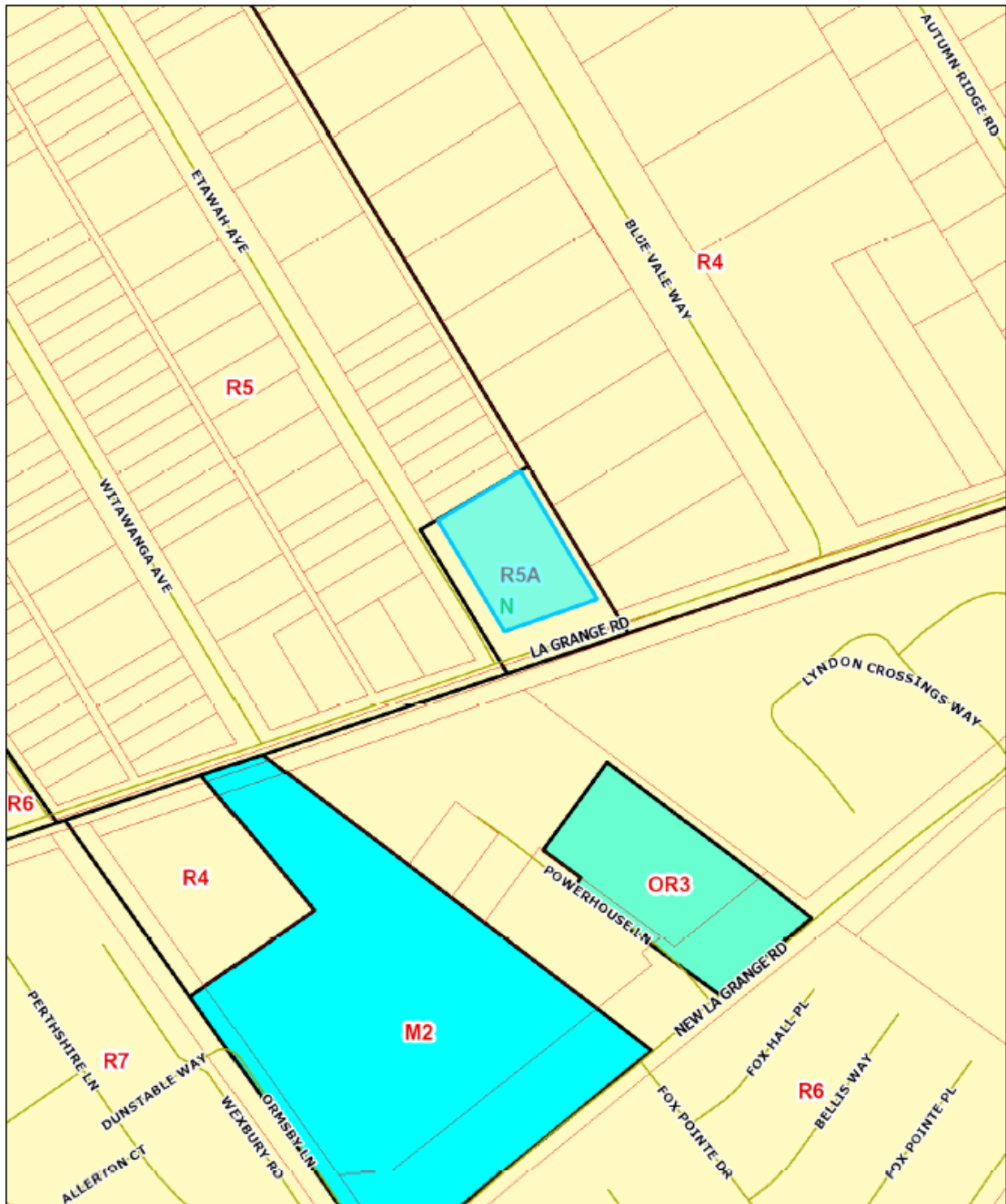
NOTIFICATION

Date	Purpose of Notice	Recipients
11/2/2017	Hearing before BOZA	First Tier Adjoining Property Owners and Registered Neighborhood Groups with Council District 7
11/3/2017	Hearing before BOZA	Sign Posting on Property

ATTACHMENTS

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

1. Zoning Map



Bee Hive Homes

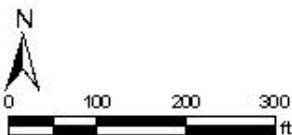
Monday, November 13, 2017 | 10:55:50 AM



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2. Aerial Photograph



Bee Hive Homes

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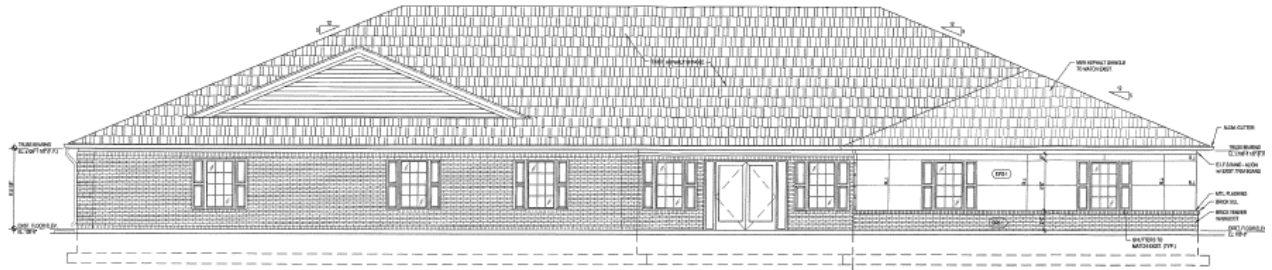


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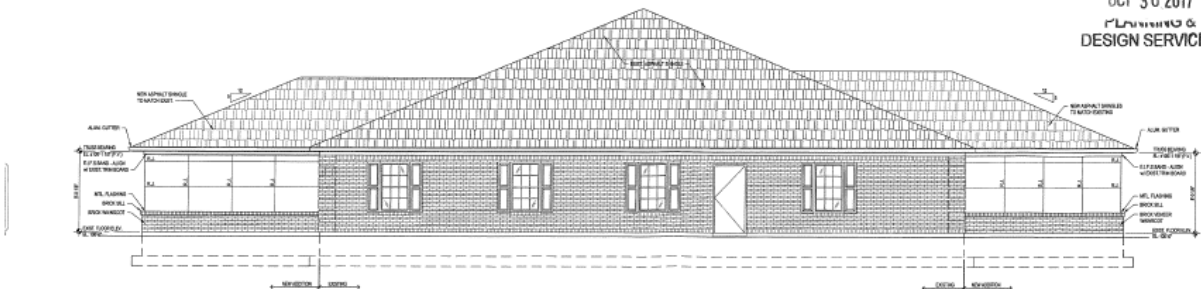
4. Elevations

(M13) SPECIALTY MATERIAL FINISHES
 CLASH TO
 KL MODULAR FINISHING



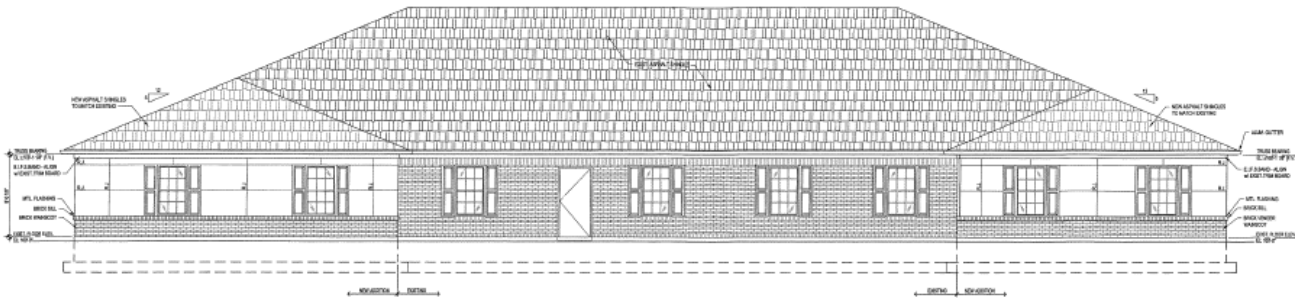
1 NORTH (FRONT) ELEVATION
 A22 SCALE 1/8"=1'-0"

RECEIVED
 OCT 30 2017
 PLANNING &
 DESIGN SERVICES



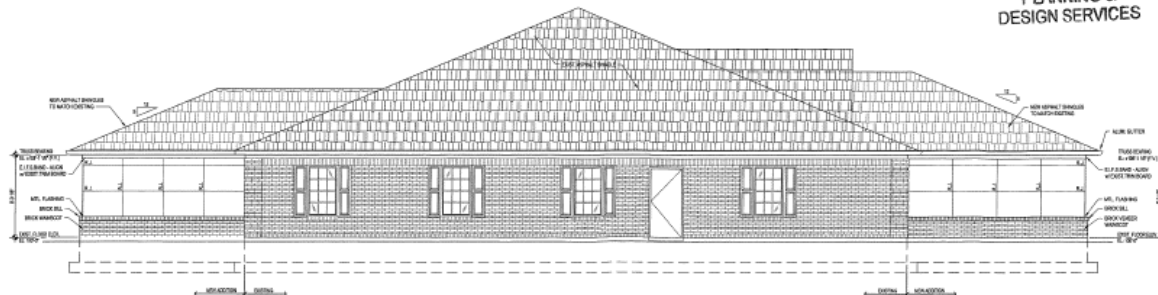
2 EAST (RIGHT SIDE) ELEVATION
 A23 SCALE 1/8"=1'-0"

CLASH TO
 KL MODULAR FINISHING



3 SOUTH (REAR) ELEVATION
 A24 SCALE 1/8"=1'-0"

RECEIVED
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 DESIGN SERVICES



4 WEST (LEFT SIDE) ELEVATION
 A25 SCALE 1/8"=1'-0"

5. Site Photos

