

Board of Zoning Adjustment
Staff Report
May 23, 2022



Case No: 22-VARIANCE-0045
Project Name: River Bluff Road Variance
Location: 2201 River Bluff Road
Owner/Applicant: William Feather
Jurisdiction: City of Indian Hills
Council District: 16 – Scott Reed
Case Manager: Heather Pollock, Planner I

REQUESTS:

Variance from the City of Indian Hills Land Development Code Article 4.6.C.2.c to allow an addition to encroach into the street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	22 ft.	8 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 single family residential. It is on the west side of the first branch of River Bluff Rd. The site currently has a two-story single-family residential structure, the applicant is proposing to build an attached garage that will encroach into the street side yard setback.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets standards 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 from section 4.6.C.2.c as established in the City of Indian Hills Land Development Code.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the proposed addition or structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Article 4.6.C.2.c

- (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, because the proposed addition will be constructed to comply with all applicable building regulations and the Land Development Code, except where relief is requested.

- (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 proposed addition will be built with material that will be in character with the existing residence and surrounding residential neighborhood.

- (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 because the structure must be constructed to comply with all building codes.

- (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 property has a significant slope which restricts the ability to comply with the street side yard setbacks.

ADDITIONAL CONSIDERATIONS:

- a. 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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

- b. 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 as the property has existing conditions that restrict the ability construct the attached garage in another location to comply with the street side yard setbacks.

- c. 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.

- d. the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public because the proposed addition will be constructed with material that will be in character with the existing residence and surrounding residential neighborhood and it will comply with all applicable building regulations and the Land Development Code, except where relief is requested.

VARIANCE PLAN REQUIREMENT

In accordance with City of Indian Hills LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

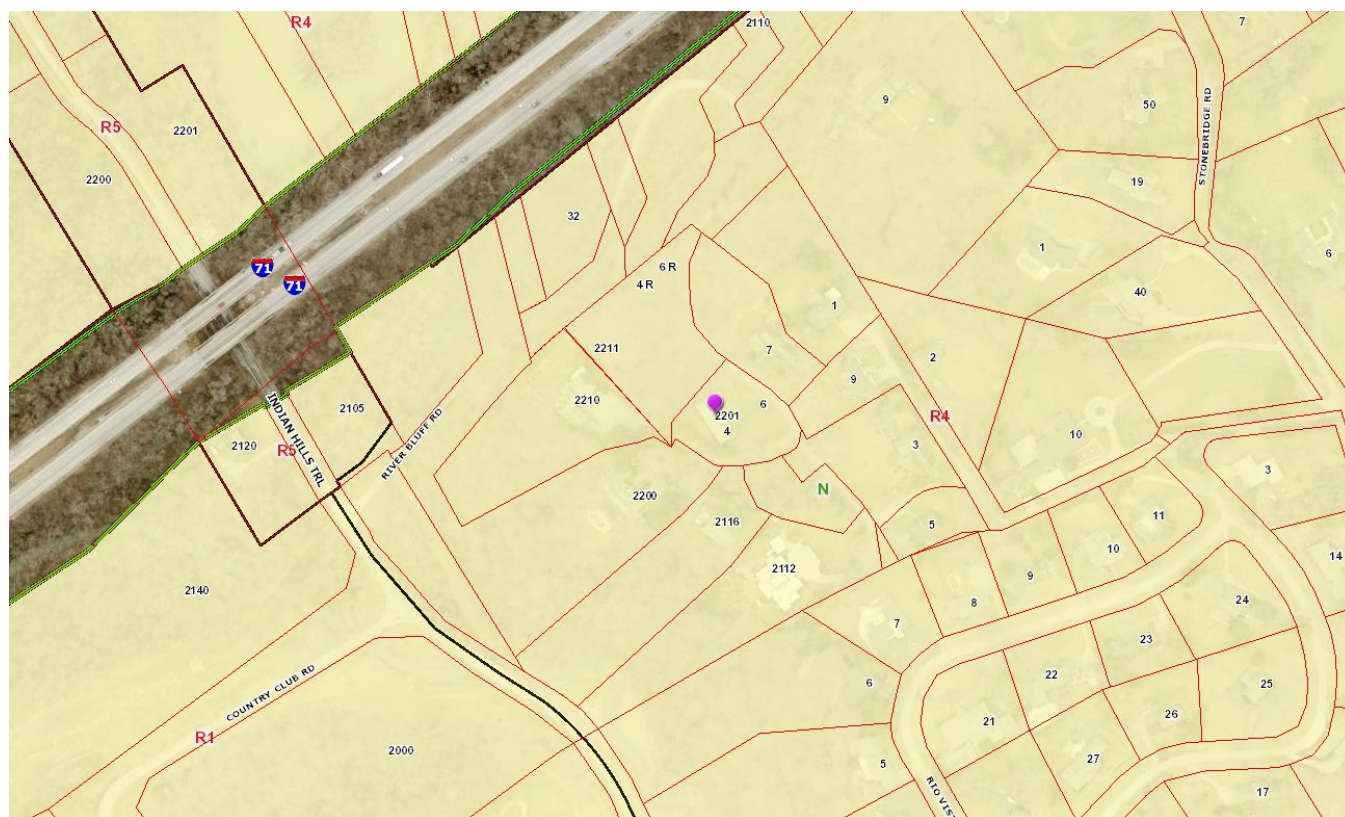
NOTIFICATION

Date	Purpose of Notice	Recipients
05/05/2022	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 16
05/09/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

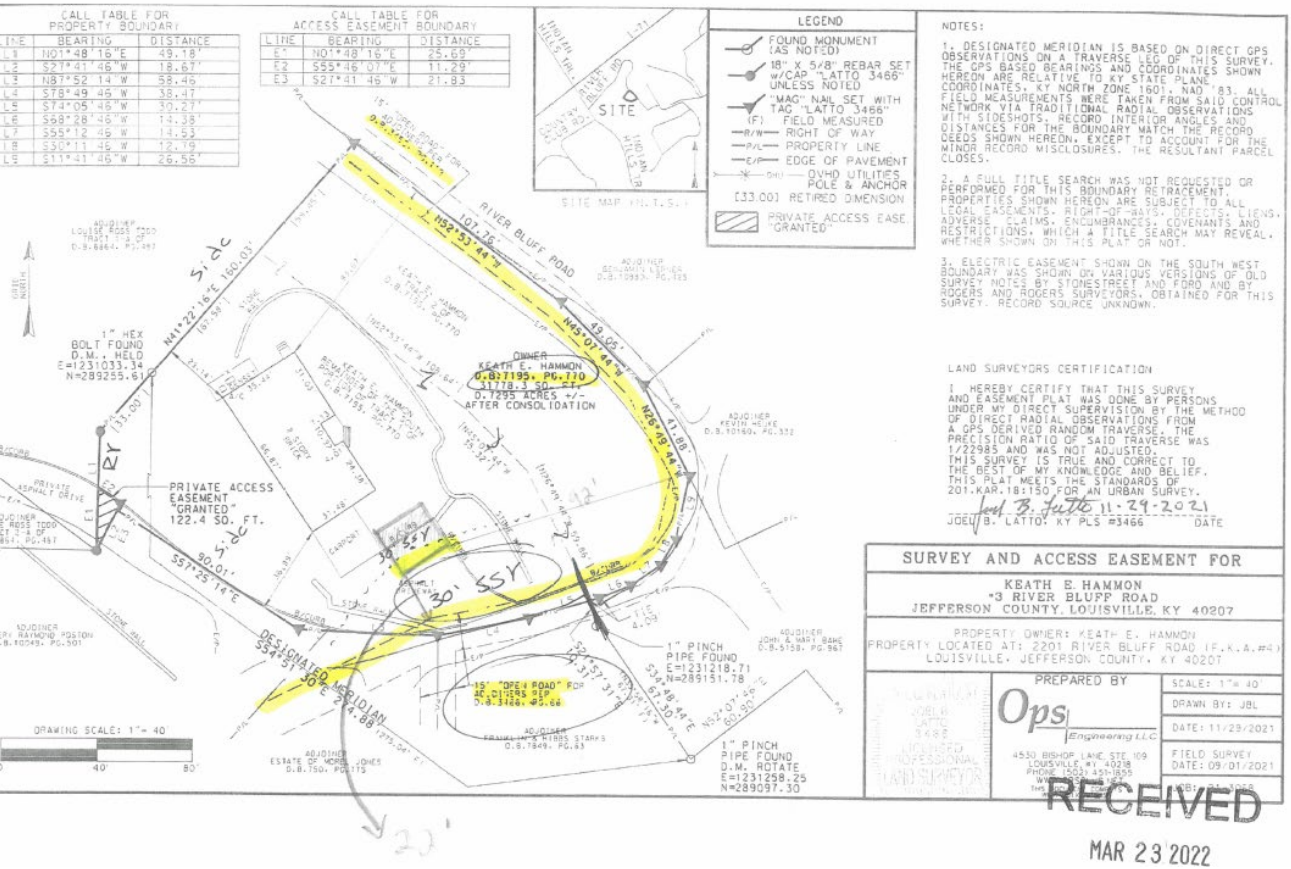
1. Zoning Map



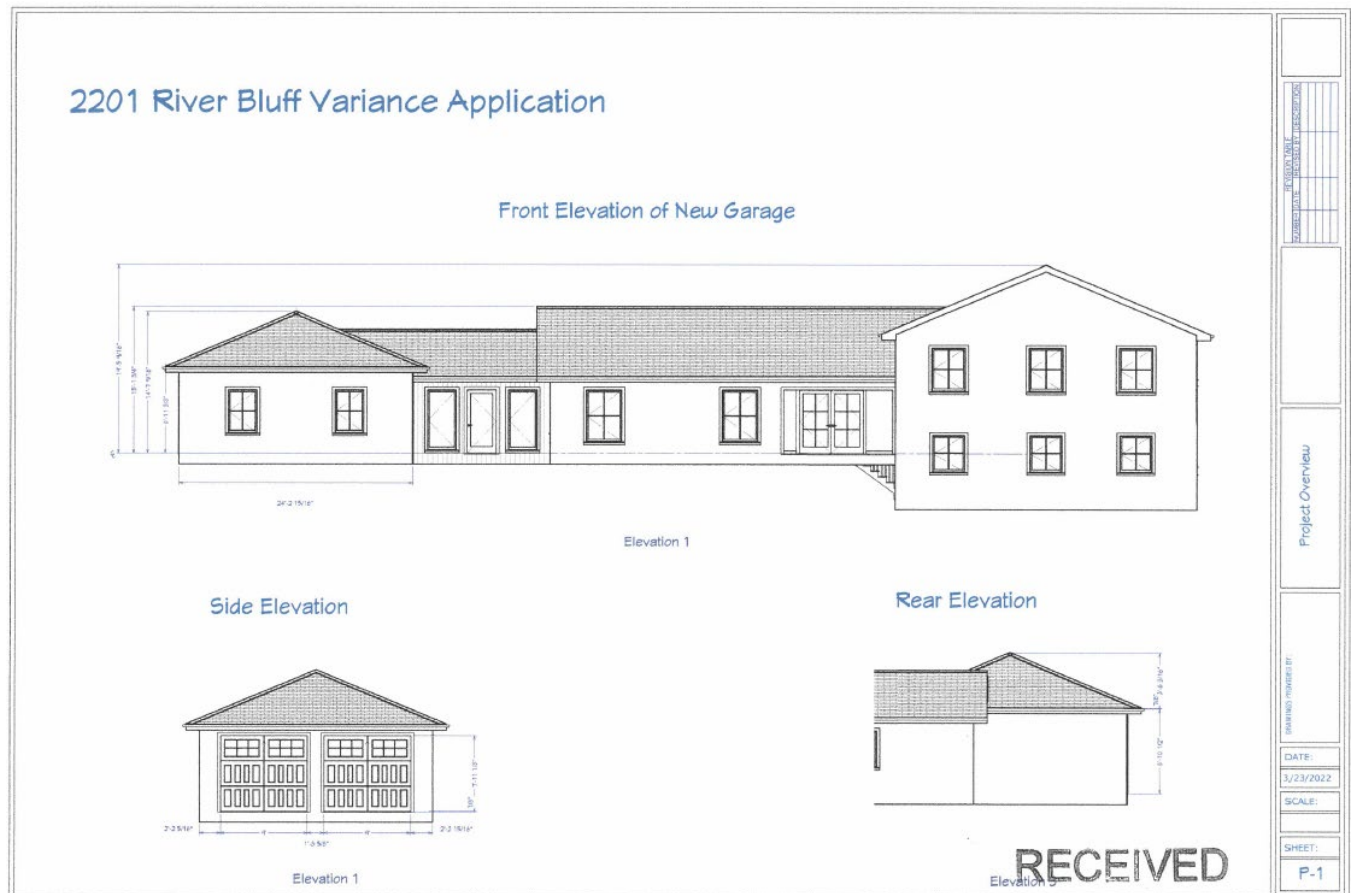
2. Aerial Photograph



3. Site Plan



4. Elevations



5. Site Photos



Front of subject property.



To the left of subject property on River Bluff Rd.



Across River Bluff Rd.



View of variance area.



View of variance area.