

Board of Zoning Adjustment

Staff Report

January 06, 2020



Case No:	19-VARIANCE-0064
Project Name:	Wythe Hill Place Variance
Location:	7104 Wythe Hill Place
Owner:	Robert Lamarr Moore and Linda S. Moore
Applicant:	Robert Lamarr Moore
Jurisdiction:	Prospect
Council District:	16 – Scott Reed
Case Manager:	Nia Holt, Planner I

REQUEST

- **Variance** of Prospect Land Development Code section 5.3.1 to allow an addition to a residential structure to encroach into the street side yard setback in the Village form district.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	14 ft.	16 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 and is in the Village Form District. It is located on the corner of Wythe Hill Place and Wythe Hill Circle and contains an existing one story residential structure. The applicant is proposing to build an addition which will be attached to the east side of the existing structure. The addition will be setback 16 ft. from the Wythe Hill Circle side yard.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the 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 standard of granting a variance established in the Prospect Land Development Code from section 5.3.1 to allow a structure to encroach into the 30' street side yard setback for a residential structure on a corner lot in the Village form district.

Technical Review

No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

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 request will not adversely affect the public health, safety or welfare as all building and fire codes and safety regulations will be met on the subject site.

- (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 of a similar design and materials as the existing structure.

- (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 proposed addition will not interfere with vision clearance.

- (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 structure and associated setback will align with the existing conditions.

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 property is a corner lot with a more restrictive setback.

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 may create an unnecessary hardship on the applicant by preventing them from building the addition as the existing structure is built up to the current setback.

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.

VARIANCE PLAN REQUIREMENT

In accordance with 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.

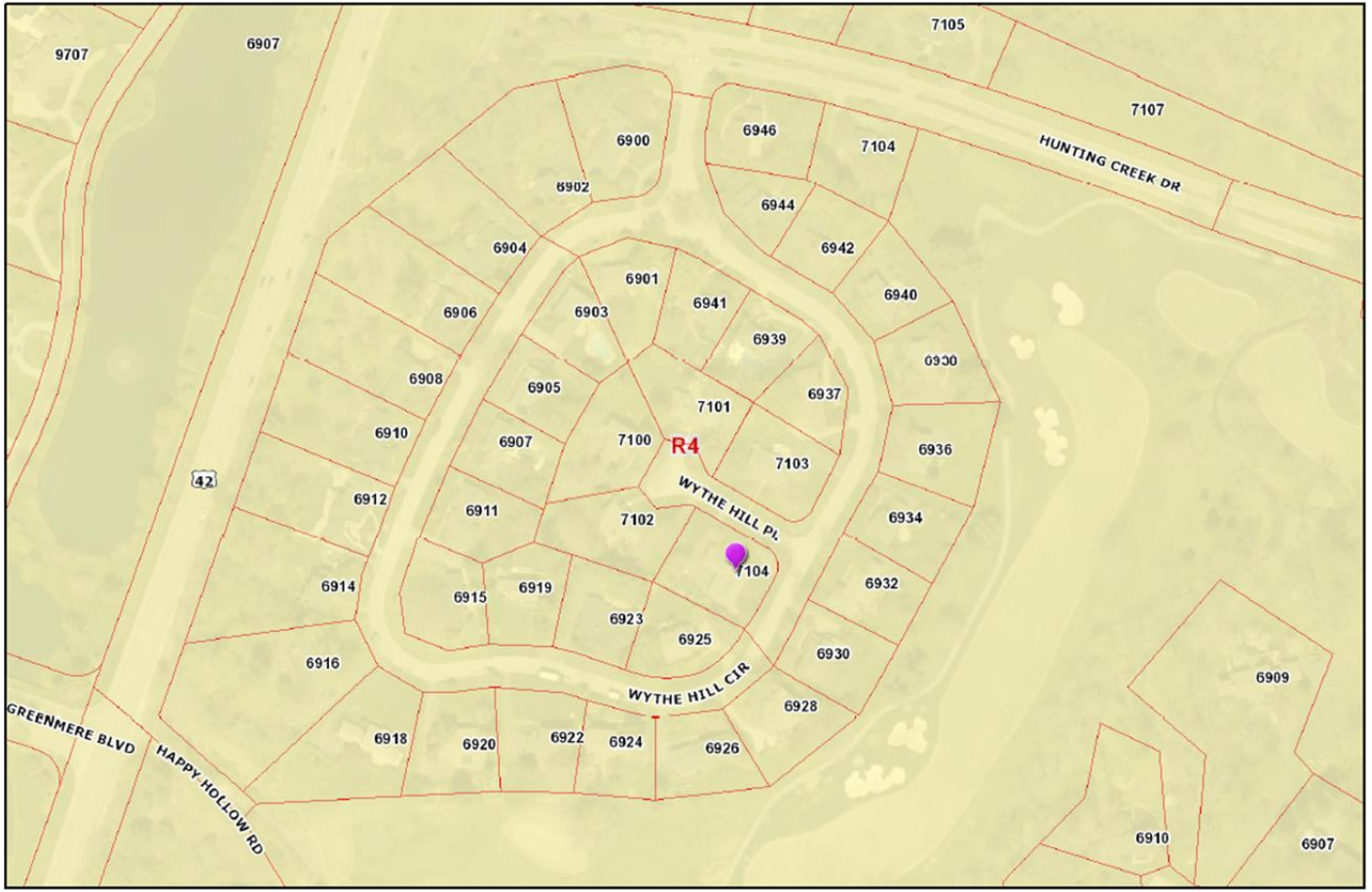
NOTIFICATION

Date	Purpose of Notice	Recipients
12/19/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
12/19/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan

