

Board of Zoning Adjustment Staff Report

April 7, 2014



Case No:	14VARIANCE1024
Project Name:	8901 Wilson Ave.
Location:	8901 Wilson Ave.
Owner(s):	Robert Buckler, Sarasota Properties, LLC
Applicant:	Robert Buckler
Representative(s):	Bill Schroll
Project Area/Size:	0.160 Acres
Existing Zoning District:	R-5
Existing Form District:	Neighborhood
Jurisdiction:	Lyndon
Council District:	7- Ken Flemming
Case Manager:	Jessica Butler, Planner I

REQUEST

- Variance from Land Development Code 2006, 5.3.1.C.1, to allow a proposed structure to encroach the infill side and street side yard setbacks.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant seeks approval for a new residential structure on this vacant site. Because greater than 50% of either the lots or street frontages within 200 feet of the subject site, and on the same side of the street, are occupied by principal structures, infill standards are used rather than Table 5.3.1 for new developments.

The adjacent lot has approximately a 9' side yard setback. A variance of 4' is requested, allowing the proposed structure to sit at a 5' setback. The adjacent lot, across Wilson Ave., has a street (Military Ave.) side yard setback of approximately 16'. A variance of 5' is requested, allowing the proposed structure to sit at an 11' setback.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family Residential	R-5	N
Proposed	Single-Family Residential	R-5	N
Surrounding Properties			
North	Residential	R-5	N
South	Residential	R-5	N
East	Residential	R-5	N
West	School	R-4	C

PREVIOUS OR CURRENT CASES ON SITE

None

INTERESTED PARTY COMMENTS

Staff has had no correspondence with interested persons.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code, 2006 (Lyndon)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(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 neighborhood is currently built with similar setback reductions and with like styling of structures. This structure will not encroach the visibility triangle at the corner.

(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 because the lots are small and this house will be placed with a proper front yard setback.

(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 proposed structure will be out of the visibility triangle, on this corner lot, and will be built to the general scale of the neighborhood.

(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 because lot sizes are small in this neighborhood, and most new construction would need a variance or waiver.

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 proposed structure is to be built on a corner lot, which makes for multiple special circumstances.

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 design of any proposed house would only allow for 21' in width, where the variance would permit this applicant to receive 30' for building width, allowing for a more accommodating home.

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

STAFF: The owner is responsible for the placement of the new structure.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

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 LDC Variance.

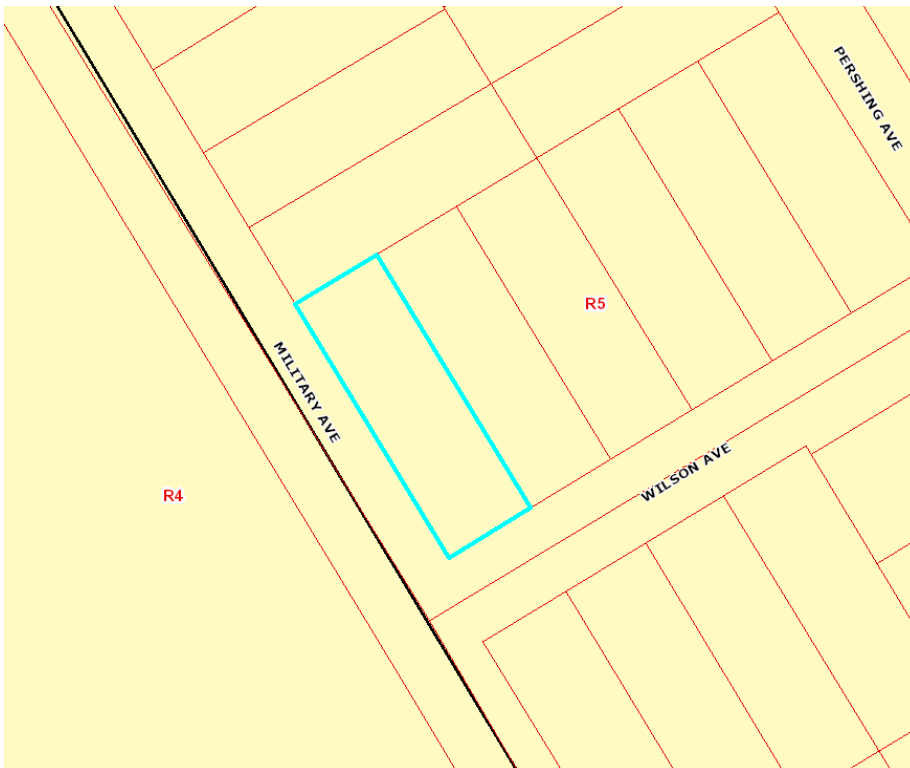
NOTIFICATION

Date	Purpose of Notice	Recipients
3/25/14	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 7 Notification of Development Proposals

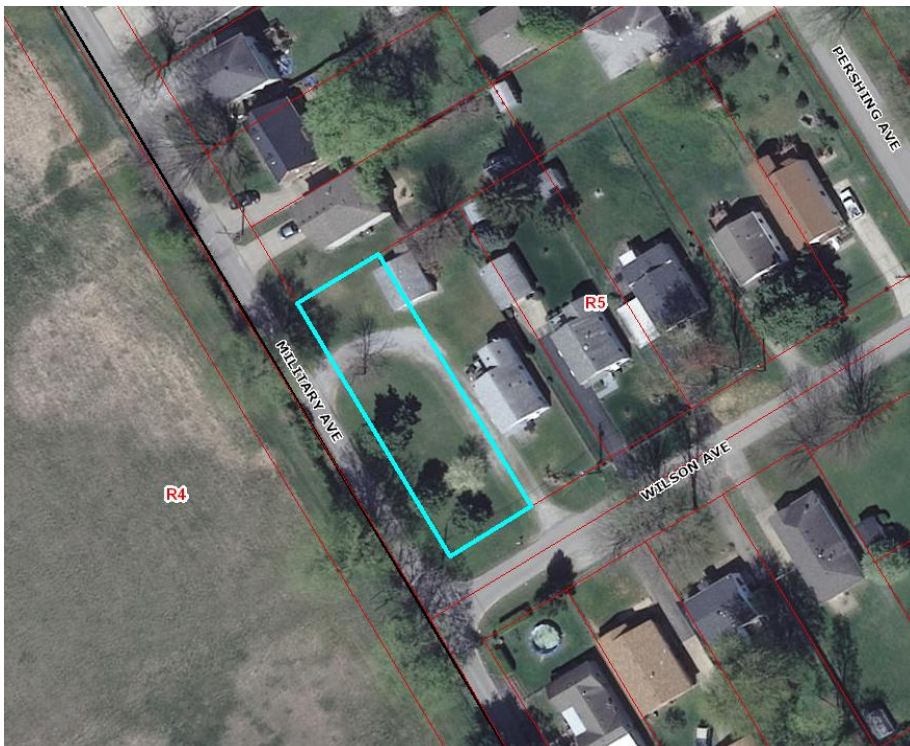
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for variances
4. Applicant's Justification Statements
5. Site Plan

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist for Variances

18	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	+	The proposed house is compatible with the others in the vicinity. The setback variances are only required because of the adjacent structures. Houses in the vicinity are at much lesser setbacks.
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Attachment 4: Applicant's Justification

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Just want to build a home on this lot, will fit in perfectly with other homes in area.

2. Explain how the variance will not alter the essential character of the general vicinity.

Just a vacant lot, I have the right to build on, as did all other homeowners.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

Will be a single family home as are the others in neighborhood.

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4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

We just need enough room to place the home on the lot. The corner setbacks are unreasonable for building purposes.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Corner lot.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

We could only build a home that would be 16-20' wide. No very feasible.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Attachment 5: Site Plan

