

**Board of Zoning Adjustment  
Staff Report**  
August 21, 2017



<b>Case No:</b>	17VARIANCE1048
<b>Project Name:</b>	Primrose School
<b>Location:</b>	1151 Dorsey Lane
<b>Owner(s):</b>	Four Almonds, LLC
<b>Applicant:</b>	Four Almonds, LLC
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts PLLC
<b>Project Area/Size:</b>	2.2 acres
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Joel P. Dock, Planner II

**REQUEST(S)**

- **Variance** of Land Development Code (LDC), section 5.3.5.C.3.c to encroach 13' into the required 20' rear yard setback

**CASE SUMMARY**

The existing daycare facility is planning an expansion of twelve parking spaces along the Eastern property line. The site is built-out as proposed on previous develop plans. A variance is needed to allow the parking in a required setback.

**Previous Cases**

- 8825: Change-in-zoning from R-4 to C-1
- 18806/18807: DDDP with waivers and variances

**STAFF FINDING**

The variance appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

**TECHNICAL REVIEW**

There do not appear to be any outstanding technical review items to be discussed.

**INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments.

**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 public health safety or welfare as the encroachments will be internal to 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 parking is in-line with the existing eleven spaces which have previously received a variance for their location.

- (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 encroachments will not cause a visual nuisance or impediments to vehicular and pedestrian traffic.

- (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 location of the parking spaces does not create a conflict with the abutting vacant commercial zoning district with respect to compatibility of uses.

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

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 deprive the applicant of reasonable use of the land as the [provision of parking elsewhere on the site may decrease the amount of outdoor activity space for the daycare.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as appropriate relief is being requested from the Board of zoning Adjustment.

#### REQUIRED ACTIONS

- **APPROVE or DENY** the **Variance** of Land Development Code (LDC), section 5.3.5.C.3.c to encroach 13' into the required 20' rear yard setback

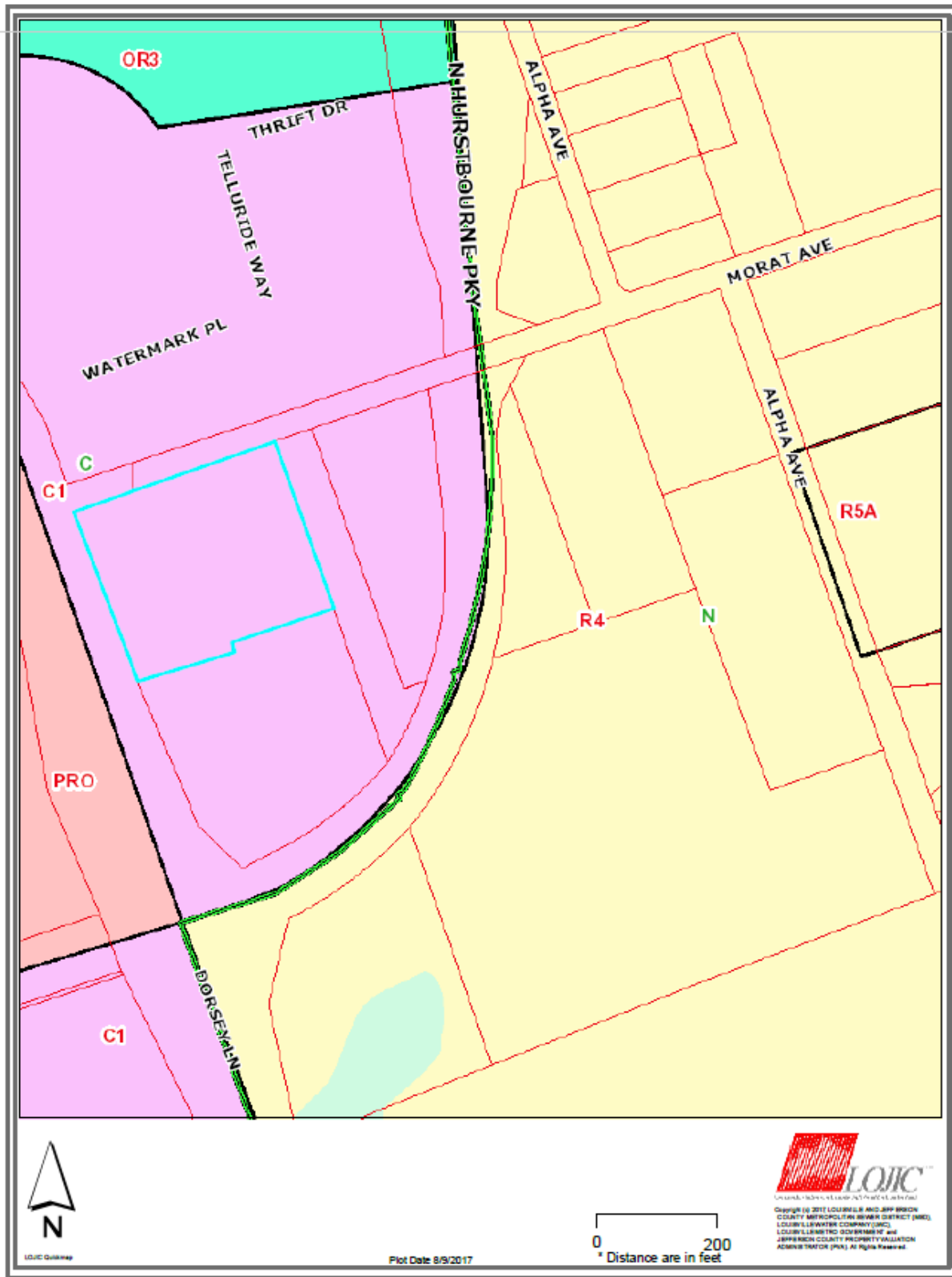
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/4/17	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 18

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

