

Board of Zoning Adjustment

Staff Report

March 1st, 2021



Case No: 21-VARIANCE-0008
Project Name: Wynnewood Circle Variance
Location: 2248 Wynnewood Circle
Owner(s): Susan & Tim Mueller
Applicant: Susan Mueller
Jurisdiction: Northfield
Council District: 7 – Paula McCraney
Case Manager: Rachel Mandell, Planner I

REQUEST:

Variance from Land Development Code Table 5.3.1 to allow a principle structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
North Side Yard	6ft	3ft	3ft

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single-family Residential in the Neighborhood Form District. The site is in the Wynnewood Subdivision in the city of Northfield. The applicant is proposing to add an addition for a bath, closet and front-facing garage.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

STAFF FINDINGS

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 Land Development Code from Table 5.3.1 to allow a principal structure to encroach into the required side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 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. The structure will be constructed to comply with all building codes, including fire codes.

- (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 conforming with the design of other structures on the same block.

- (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 structure will be far enough from the property line to allow maintenance and construction to occur within the property boundaries. Additionally, the new construction will comply with all building codes, including fire 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 proposed variance is the minimum necessary to provide for a front-facing two car garage and there is adequate space remaining between the structure and property line.

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: There are no special circumstances associated with this variance, however the opposite side of the structure is providing a 16.5ft 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 would not permit the property owner to construct the addition in a way that aligns with the existing layout of the property.

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 the applicant is requesting the variance prior to beginning construction.

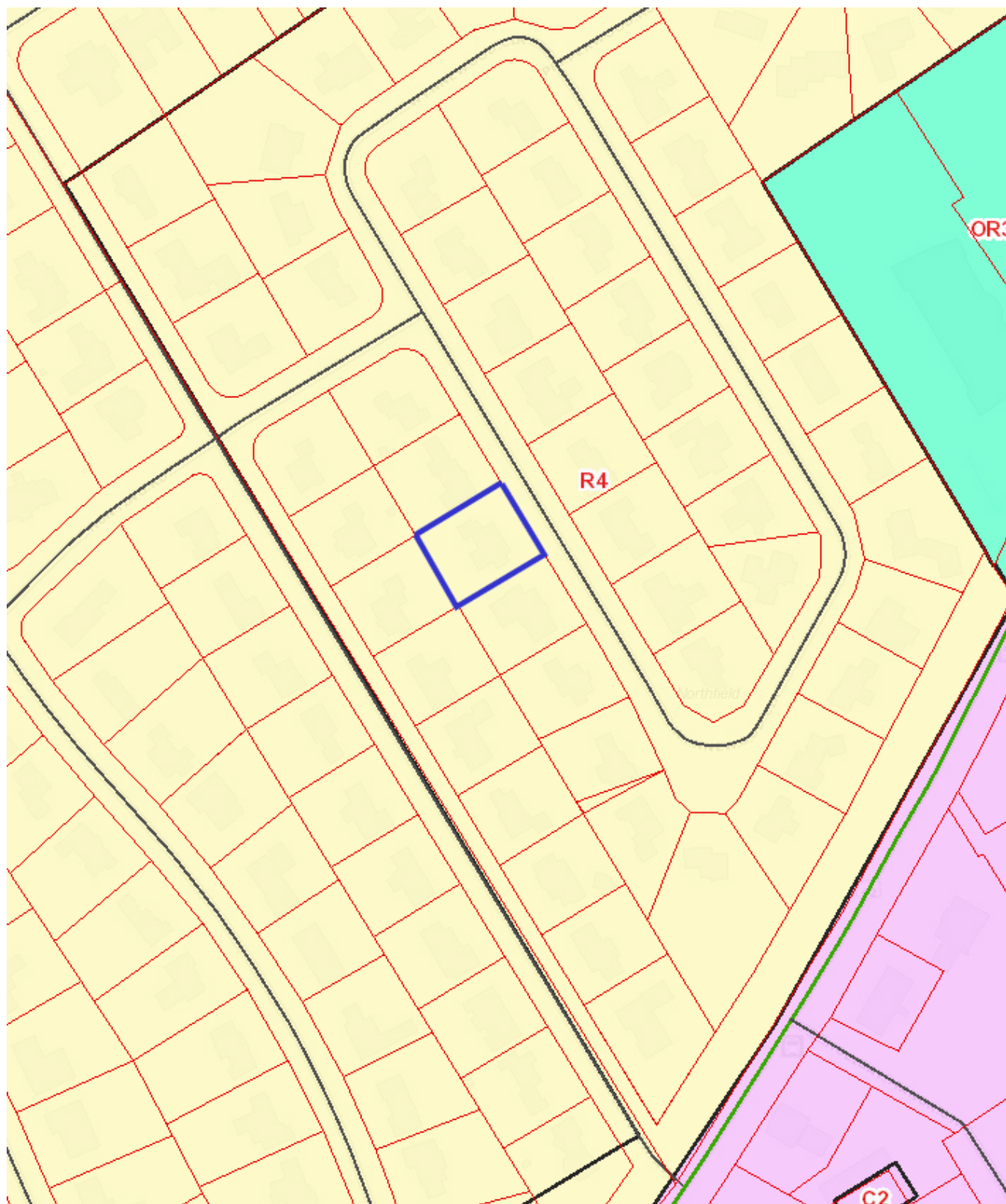
VARIANCE PLAN REQUIREMENT

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.

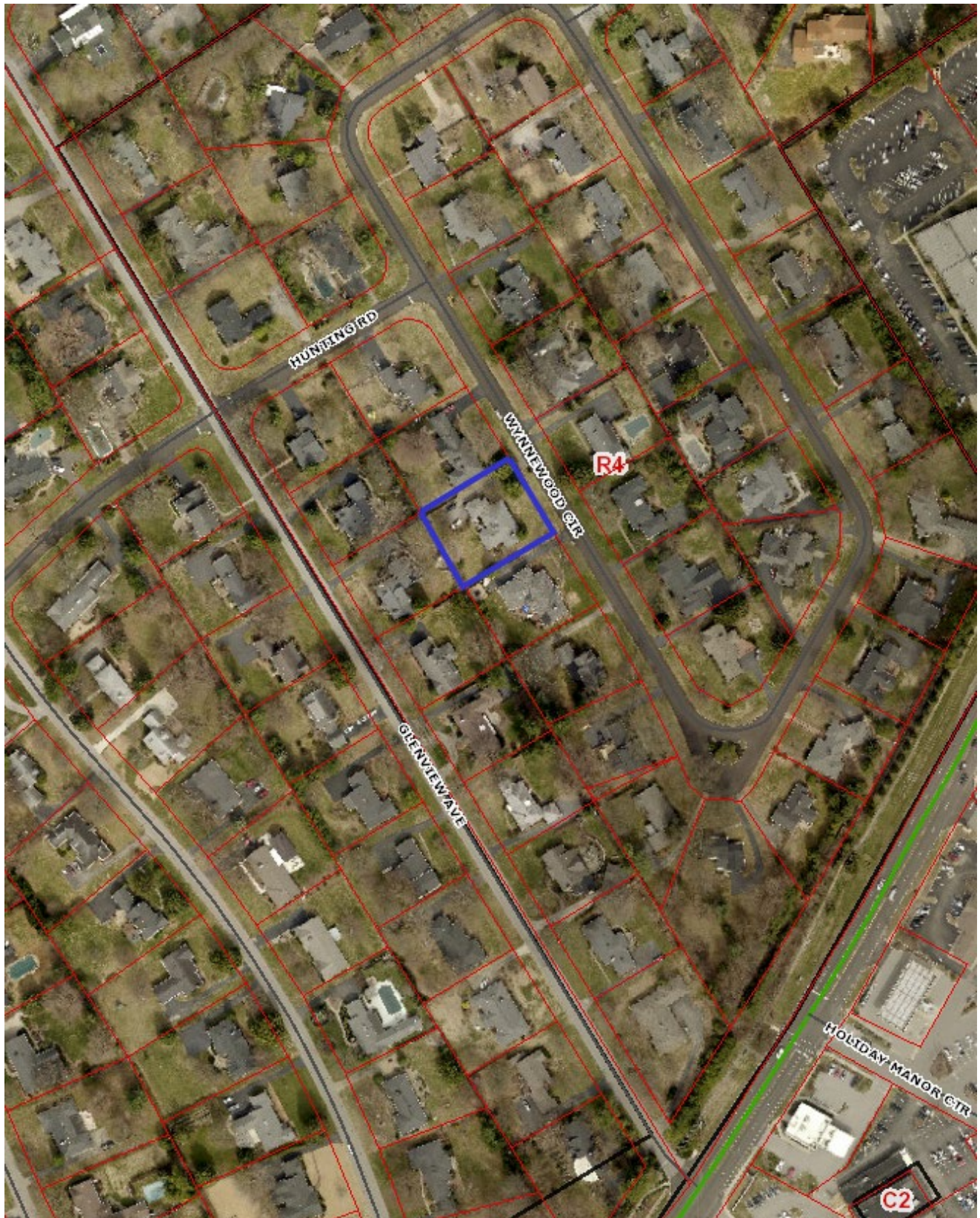
ATTACHMENTS

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

Zoning Map



Aerial Photograph



Site Plan

