

Board of Zoning Adjustment

Staff Report

April 5th, 2021



Case No: 21-VARIANCE-0022
Project Name: Robin Road Variance
Location: 3316 Robin Road
Owner(s): Jason Langley
Applicant: Anne Del Prince
Jurisdiction: Audubon Park
Council District: 10 – Pat Mulvihill
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 setbacks.

Location	Requirement	Request	Variance
Western Side Yard	7.5ft	1ft	6.5ft
Total Side Yard	22.5ft	11ft	11.5ft

CASE SUMMARY/BACKGROUND

The subject site is zoned R-3 Single-family Residential in the Neighborhood Form District. The site is in the Audubon Park Subdivision and is in the municipality of Audubon Park. The applicant is proposing a 362 SF attached garage and 170 SF addition to the Western side of the primary structure.

The location of the proposed garage corresponds with the location of the existing curb cut and driveway. The property does not meet the minimum lot width or lot size for the R-3 zoning district, meaning it is substandard.

The applicant has provided staff with an agreement from the affected property owner allowing access for construction and maintenance of the proposed addition.

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 setbacks.

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 addition is toward the rear of the existing residence and 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 many lots within the subdivision do not meet the minimum lot width for the R-3 zoning district and do not meet the required side yard setbacks.

- (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 is toward the rear of the home and aligns with the existing curb cut and driveway. 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 required zoning regulations do not conform with the existing width of the lot.

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 same zoning district because the zoning district under which this lot falls under does not conform with the width or area required by the Land Development Code.

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.

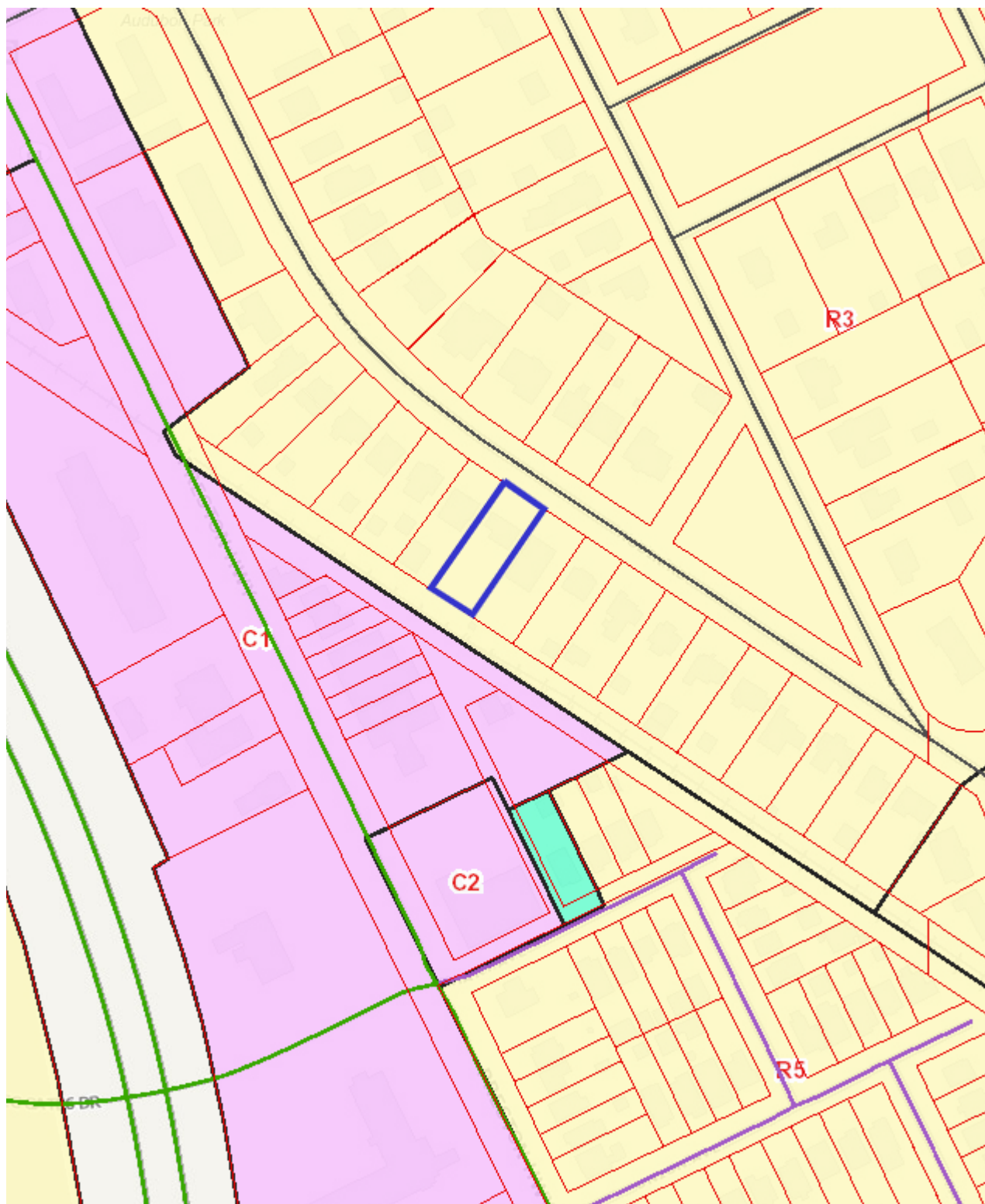
VARIANCE PLAN REQUIREMENT

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.

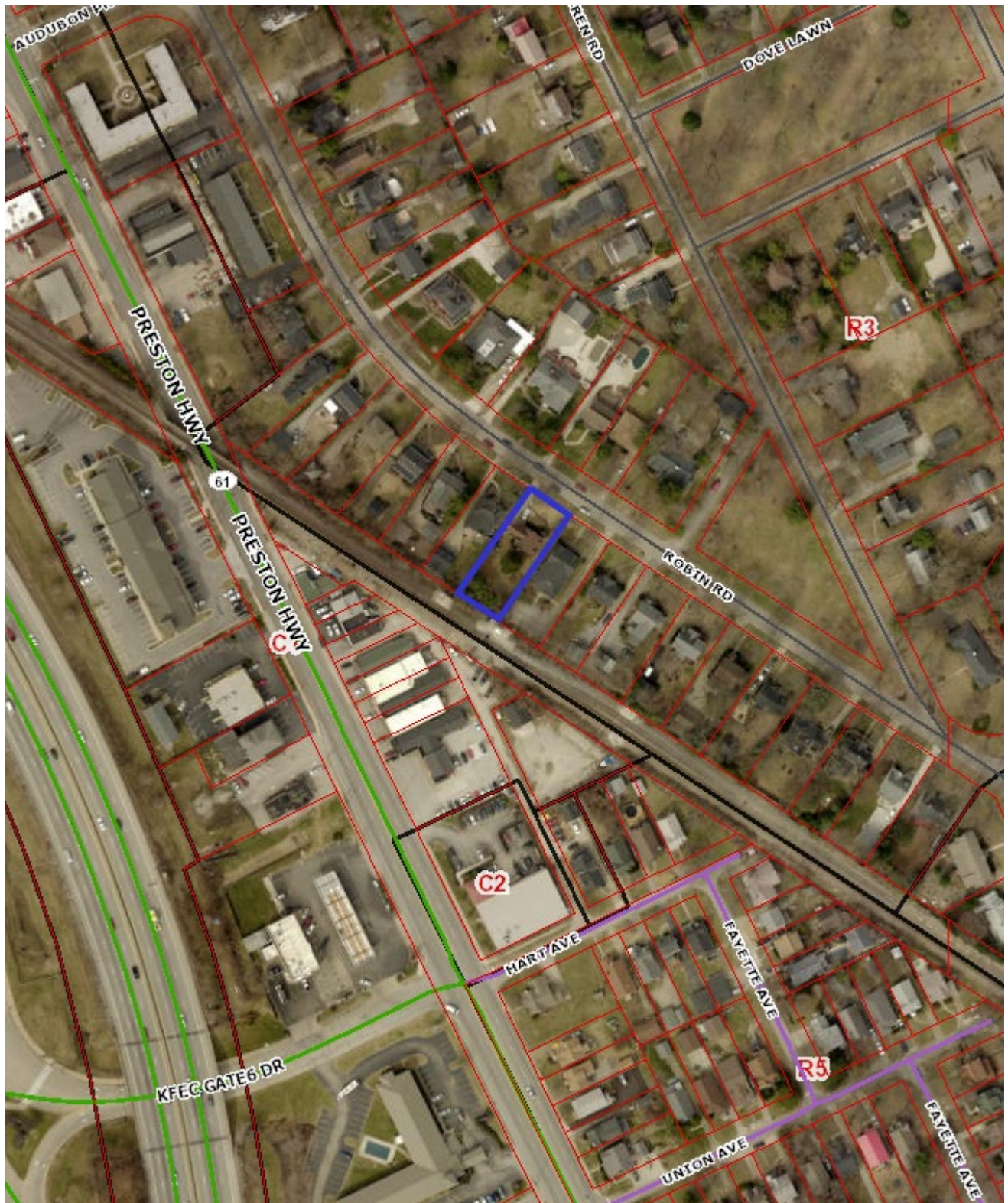
ATTACHMENTS

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

Zoning Map



Aerial Photograph



Site Plan

