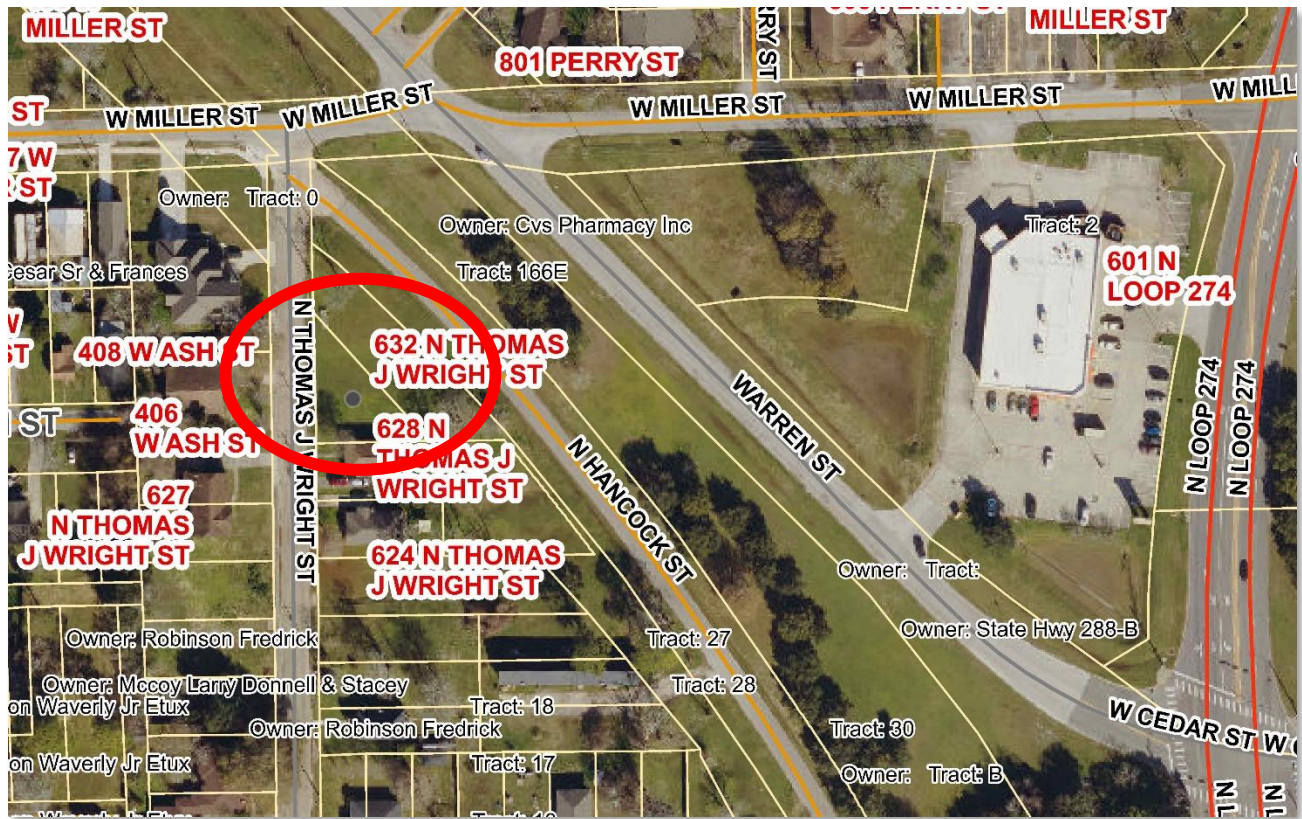


Zoning Map

632 TJ Wright



Aerial Map



Zoning Code / Variance Analysis:

Sec. 28-23. Board of adjustment (BOA). F. (2). No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land; *Staff confirms that the hardship is valid in this instant due to the requirements of Residential 6.3 would supersede the what is possible on such an irregular lot having two street frontages.*
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *The variance will allow for a best-fit situation within the Residential 6.3 District, having such an irregular lot with two street frontages.*

c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

Staff confirms that the variance will not cause any detriment to public health and safety.

d. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and

Staff confirms granting the variance will not interfere nor prevent the orderly use of other land within the area.

e. That a finding of undue hardship exists.

Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that public health, safety and welfare may be secured, and that substantial justice may be done.

Staff agrees the findings of undue hardship in granting this variance are properly established.

In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists:

Staff concurs that the difficulty caused is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and the relief sought will not injure the permitted use of adjacent conforming property; and the granting of a variance will be in harmony with the spirit and purpose of these regulations. The permit will allow for an infill development of a new single-family home.

Photos



View looking northeast from the property CR44



View looking north from TJ Wright/frontage towards CR44



View looking towards the property from the corner of TJ Wright & Hancock

RECOMMENDATION:

Staff recommends that the Board of Zoning Adjustment finds that a hardship exists, and grants the variance to the Code of Ordinances, Sec. 28-46. - SF-6.3—Single-family residential, subsection (d) 2.c. (Minimum Rear Yard Setback 20 feet required) to allow for a home to be placed closer than required from the rear property line (10 feet +/-), subject to the condition that any allowed accessory shed be placed in the side yard at a minimum of 10 feet from the property line.

Sample Motion:

1: *The Board of Zoning Adjustments has established findings of fact and determines that a hardship has been proven for the requested variance to the Code of Ordinances, Sec. 28-46. - SF-6.3—Single-family residential, subsection (d) 2.c. (Minimum Rear Yard Setback 20 feet required) to allow for a home to be placed closer than required from the rear property line(10 feet +/-), subject to the condition that any allowed accessory shed be placed in the side yard at a minimum of 10 feet from the property line.

**Board of Zoning members may vote Nay to DENY the petition due to findings that hardship is not demonstrated, or such variance will adversely impact the general planning area.*