



CITY OF KING PLANNING BOARD

MEETING DATE:

08/25/2025

PART A

Subject: VARIANCE REQUEST V-060 BY D R HORTON (TRAVIS TUTTLE)

Action Requested: Applicant is requesting a 9-foot variance on a 30-foot front yard setback.

Attachments: 1. Site plan map showing site conditions

**G. Todd Cox, Int. Planning & Zoning
Official**

This abstract requires review by:

City Manager

City Attorney

PART B

Introduction and Background:

This variance request from D R Horton Homes is in the High Meadows S/D being phase II of this project. This request for the 9' variance is on lot 17, which is found on Red Leaf Lane off Maverick Trail Drive. The lot is vacant and being surveyed for a home when they discovered they were too close to the creek's riparian buffer. The home will be a basement home which will allow use of the lower grades.

Discussion and Analysis:

Staff has reviewed the request and would ask that the BOA review the following ordinance requirements for granting a variance. See below –

Sec. 32-127. - Powers and duties.

The zoning board of adjustment shall have the following powers and duties:

(2) *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d.** The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

This action by the BOA is a quasi-judicial procedure and all person speaking/giving testimony must be sworn in per the below requirements –

Sec. 32-124. - Quasi-judicial procedure.

Process required. Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision per 160D-406. (See this section for a continuance of the rest of the ordinance requirements.)

- No discussion of this case may be made by any member of the planning board with either the applicant, other members, or the public. Decisions must be made on the merits and evidence submitted at the hearing.

Budgetary Impact:

N/A

Recommendation:

Staff has reviewed the applicants request and would recommend it for approval based on the findings of item a, b, c, and d listed above. The BOA has the final say in this case.



