

Board of Adjustment  
August 23, 2023  
BOA-2324-1

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Rhonda & David Hermanski
<b>LOCATION</b>	2023 Ithaca Drive
<b>ZONING</b>	R-1, Single Family Dwelling District
<b>REQUESTED ACTION</b>	Variance to 36-514(c)(2)(c) of 4'5" to the required 20' setback for a garage which faces a street
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The applicants are requesting a variance of 4'5" to the required 20' setback for a garage which faces a street to allow for construction of a new attached garage which faces Burning Tree.

A location map, site plan, and the Existing Variance Conditions form are attached for your review.

**VARIANCE CRITERIA PER SECTION 570(k):**

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
  - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
  - (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - (c) That the special conditions and circumstances do not result from the actions of the applicant;
  - (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

**The applicant provided responses to the four variance criteria. Please see the attached Existing Variance Conditions form and related information.**

**DISCUSSION:** Section 36-514(c)(2)(c) requires, "in no case shall a garage which faces a street be located closer than 20 feet to that street property line." The applicant has brought a request forward to allow the west side of the garage to be 15'7" from the property line facing Burning Tree. The site plan shows the garage setback will meet the 20' setback on the east side of the garage door.

The proposed site plan shows the proposed structure will meet all other R-1 setbacks and will be at approximately 34% building coverage, which is under the maximum of 40%, and approximately 44% impervious coverage, which is under the maximum of 65%.

**CONCLUSION:** Staff forwards this request for a variance to the side setback for a garage facing a street and BOA-2324-1 to the Board of Adjustment for consideration.