

Board of Adjustment
August 23, 2023
BOA-2324-5

STAFF REPORT

GENERAL INFORMATION

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| APPLICANT | Brenda Tommey Dean LLC Five |
| LOCATION | 820 S. Pickard Avenue |
| ZONING | R-1, Single Family Dwelling District |
| REQUESTED ACTION | Variance to 36-514(c)(4) of 5' to the 50' lot width requirement, and Variance to 36-544(e) of 6' to the 20' side setback |
| SUPPORTING DATA | Location Map Application with attachments Site Plan |

SYNOPSIS:

The applicant is requesting a variance of 5' to the 50' lot width requirement and a variance of 6' to the 20' side setback to allow for the construction of a new single-family residence.

The application, 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: There is an existing single-family residence and detached garage on the subject property. The owner would like to demolish the existing structures and construct a new single-family residence and detached garage. The existing and proposed site plans are provided to show where the proposed structures would sit in relation to the existing ones.

Section 36-514(c)(4) requires, "there shall be a minimum lot width of 50 feet at the building line, and such lot shall abut on a street for a distance of not less than 35 feet." McFarland St. was created after the original Pickard Acres plat. The south 10' of Lot 9 (the subject property) became part of the right-of-way for McFarland St. Lot 9 then received 5' from Lot 10, thus creating the two 45' wide lots along S. Pickard Ave.

Section 36-544(e) requires, "side yard width on corner lots shall be 15 feet where the lots are back-to-back or have double frontage, and 20 feet in every other case." The subject property is configured in such a way as to require the 20' setback because it is on the corner of S. Pickard Ave. and McFarland St.

CONCLUSION: Staff forwards this request for two variances and BOA-2324-5 to the Board of Adjustment for consideration.