

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Jerry Turner
LOCATION	3710 NW Della Street
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance of 9' to 36-514(d)(2), to allow an accessory building in excess of the height of the principal building
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The principal building, or the existing house, on this property is 14' tall. The applicant plans to build an accessory building that will be 23' tall, which is 9' taller than the principal building. The applicant is requesting a variance to the requirement that no accessory building shall exceed the height of the principal building to which it is an accessory.

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 attached Existing Variance Conditions sheet to review their responses.

DISCUSSION: The Marlatt Subdivision was platted in the 1960s and includes lots about one acre or more, giving the neighborhood a rural character even though it is zoned R-1. The proposed building will not block the view to any neighbor as it will be located in the back of the property. The building will meet the required setbacks and coverage requirements.

CONCLUSION: Staff forwards this request for a variance and BOA-2223-16 to the Board of Adjustment for consideration.