

Board of Adjustment  
April 26, 2023  
BOA-2223-14

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Brent Swift, on behalf of Sue and Vytautas Ringus
<b>LOCATION</b>	530 W. Eufaula Street and 305 College Avenue
<b>ZONING</b>	R-1, Single Family Dwelling District
<b>REQUESTED ACTION</b>	Variance to 36-514 (d)(2) - Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet.
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The applicant will combine the properties located at 530 W. Eufaula Street and 305 College Avenue via a Lot Line Adjustment. Once the Lot Line Adjustment is completed, the front of the property will be on W. Eufaula. The proposed plan includes an accessory structure with a wall height of 19'9" with a 5' rear setback. Because the proposed accessory structure wall height exceeds 10' by 9'9", the required rear seatback is 11'. The applicant is asking for a variance of 6' to the required 11' rear setback.

The application and the existing and proposed site plans 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 sheet to review their responses.**

**DISCUSSION:** The new accessory structure will replace an existing structure on the southern end of the property, adjacent to the alley. The applicant met with staff to review options for development on the lot. The lot contains several large trees that should be protected, if possible. With the setback requirements currently adopted, removal of at least one large tree would be required to meet the required rear setback. The main building is a two-story house; the proposed accessory structure will not exceed the main building's height, as required by Code. As noted, the accessory building is adjacent to the alley, where it will not block the view or disturb any adjacent properties.

**CONCLUSION:** Staff forwards this request for BOA-2223-14 to the Board of Adjustment for consideration.