



Esteemed City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending the following code addition which would allow for a “Special Exception” based Setback relaxation:

202.3 AND 203.3

Special exception uses and structures. Subject to [section 705](#) and other requirements contained herein, the board of adjustment may permit the following:

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8. Setback relaxations

- a. Setback relaxation shall be based on the average setback of one or more existing principal use buildings on the same side of the road, setback shall be within 10 feet of that average setback distance.**
- b. Setback relaxation shall not exceed 10 feet.**
- c. Setback relaxation shall not allow detached accessory structures in front yard.**
- d. Setback relaxations for side yards shall not be permitted.**

Adding this language to section 202.3 and 203.3 would allow for the Zoning Board of Adjustment to vote on the allowance of a setback relaxation based on the average setback of existing buildings as opposed to the 25’ front and rear setbacks. This would be useful and applicable where existing construction does not meet the modern setbacks.

This also ties into goals in the Comprehensive Plan in Chapter 4’s “Community Elements and Goals”, specifically Housing Goals 1 and 2.

Example for usage on next page.



Example 1:



In the above example from 8th st SW, the original home construction is set approximately 11' back from the lot line. The owner bought the property to the east, a former home demo, and merged it to his parcel. They want to build a garage on the property. They would like to build it in-line, or close there to, with their existing home. There is a severe slope downhill and the bottom area is the flood plain (shown in red and green) While this scenario doesn't constitute a hardship and qualify to be granted a variance, this is where allowing a special exception to allow a relaxation on the setback would work.

2nd Example on next page:





Example 2:

In this example, if the owner north of the highlighted lot wanted to adjoin lots and build a new garage similar to their existing setback this special exception would be able to allow it. It would save them cost on cement for a driveway length and maintain the overall space of the backyard.

-David Kral
Building Official/Zoning Administrator