



DEVELOPMENT SERVICES

To: Board of Adjustment
From: Jerron Hicks, Planner
Through: David Hoover, AICP, Director of Development Services
Cc: Suzanne Porter, AICP, Planning Manager
Re: Board of Adjustment Meeting
Meeting: February 19, 2025

Agenda Item:

Consider and act upon a request for a Variance to the Zoning Ordinance to allow for a reduction to the Minimum Lot Area, Lot Width, and Front Yard Setback requirements in the Single Family-15 District on Bryant's First Addition, Block 14, Lots 11-12, on 0.3± acre, located on the north side of Second Street and 270± feet east of Coleman Street. (VAR-25-0001)

Description of Agenda Item:

The subject property is zoned Single Family-15 and consists of a tract of land that measures approximately 90 feet in width by 140 feet in depth, totaling 0.3± acre (12,600 square feet). It is a combination of three portions of property, as described below:

- A 30' x 140' strip of the east half of the formerly platted Hall Street,
- a 50' x 140' strip being Lot 12, Block 14, Bryant's Addition, and
- a 10' x 140' strip being the west 10 feet of Lot 11, Block 14, Bryant's Addition,

The applicant has purchased the property and would like to construct a single-family home. To do so, the lot must be platted and comply with the Single Family-15 requirements, which are as follows:

- Minimum Lot Area — 15,000 SF
- Minimum Lot Width — 100'
- Minimum Lot Depth — 135'

The lots in this area were platted with 50-foot lot widths, and later sold. The subject property sits in between two lots that are platted, causing the applicant to not be able to construct a home meeting all the requirements of Single Family-15.

The applicant is also requesting a variance to reduce the front setback from 35' to 30'. Town Staff has informed the applicant that they will only recommend approval for the variances to the lot

width and the lot area but would not recommend approval for the variance to the front yard setback.

According to the Zoning Ordinance, the Board of Adjustment may consider, in specific cases, a variance of height, yard, area, exterior structure, lot coverage, off-street parking and loading requirements from the terms of the Zoning Ordinance, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by Ordinance to other parcels of land in the Town or the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following four (4) criteria have been met:

1. The requested variance does not violate the intent of the Zoning Ordinance or its amendments; and
2. Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district; and
3. The hardship is in no way the result of the applicant's own actions; and
4. The interpretation of the provisions in the Zoning Ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties, in the same zoning district, that comply with the same provisions.

The concurring vote of four (4) members of the Board of Adjustment is necessary to authorize a variation from the terms of the Zoning Ordinance.

Attached Documents:

1. Aerial Map
2. Zoning Map
3. Letter of Intent
4. Boundary Exhibit
5. Plat Exhibit

Town Staff Recommendation:

Town staff recommends approval of the request for a Variance to the Zoning Ordinance to allow for a reduction to the Minimum Lot Area and Lot Width requirements in the Single Family-15 District on Bryant's First Addition, Block 14, Lots 11-12, on 0.3± acre, located on the north side of Second Street and 270± feet east of Coleman Street.