



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2023

ITEM TITLE: ZTA-23-03

ITEM SUMMARY:

On October 5, 2022, the Board considered APA-22-01, an appeal application that was submitted by Adam Ward to appeal the Zoning Administrator's decision to deny approval of a recombination plat for the property located at 55 Skyline Rd. The main reason for the denial was that Town Staff believed that the proposed lots did not meet the Town's 100 ft. minimum lot width requirement for the RS-1, Residential zoning district as established in Town Code Section 36-202(d)(2). Town Code Section 36-202(d)(2) currently requires a minimum lot width of 100 feet measured at the building setback line.

Town Code Section 36-57 defines "building setback line" as a line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures. The Board voted to affirm the Zoning Administrator's decision (3-2) to deny approval of the recombination plat and the applicant subsequently appealed the Board's decision to Superior Court which resulted in a Consent Order.

At the March 21, 2023 Town Council meeting, Council directed Town Staff to draft a Zoning Text Amendment (ZTA) to amend the Town's minimum lot width requirements in all of the residential zoning districts so that the requirements are unambiguous. The proposed amendments include a new definition of "lot width" in Section 36-57 which is the horizontal distance between the side lot lines of a lot. The proposed amendments also include amendments to Sections 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) that establish that the minimum lot width for lots created after XX-XX-XXXX (date of adoption, if adopted) is measured from the front lot line at right angles to the rear lot line.

STAFF RECOMMENDATION:

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application. The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board meeting.

REQUESTED ACTION:

Motion to approve ZTA-23-03.