



PLANNING DATE 05/25/2023
COUNCIL DATE 06/01/2023

VARIANCE STAFF REPORT

PREPARED BY:

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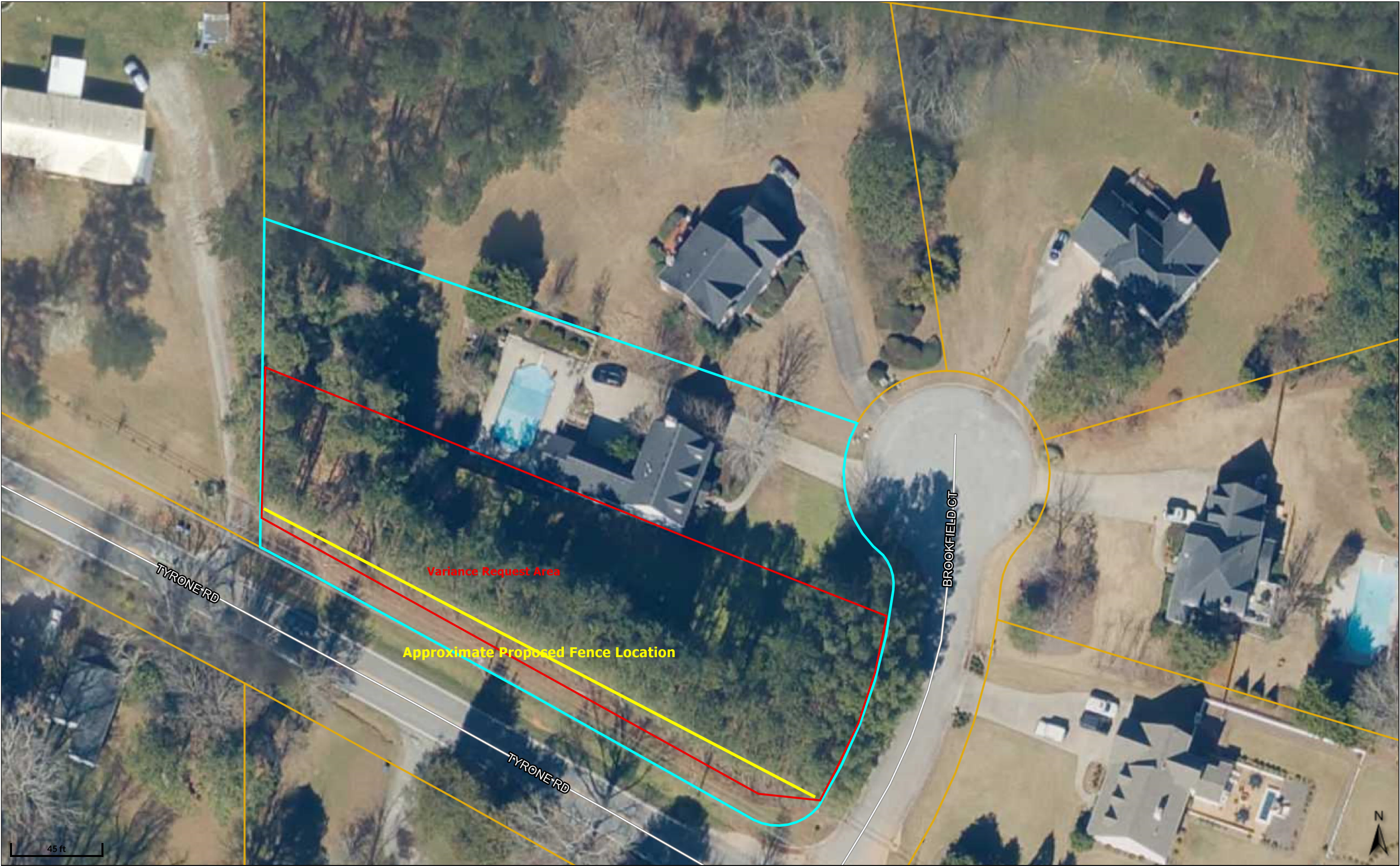
DOCKET/APPLICATION #	APPLICANT	ADDRESS/PARCEL #
23TYR-VAR00001	Brett Davenport	100 Brookfield Court

SUMMARY & HISTORY	STAFF DETERMINATION	
Applicant and owner Brett Davenport has applied for a variance to increase the fence height from 4' - 6' in the front yard of 100 Brookfield Court towards Tyrone Road. The stated intent for this request is for privacy associated with the soon-to-be constructed multi-use path along Tyrone Road.	Staff's determination is that this request does not conflict with the purposes or intent of the zoning ordinance or Comprehensive Plan. Please see compatibility and impact assessment below for further details and analysis.	
	PLANNING COMMISSION Planning Commission recommended approval.	

EXISTING ZONING	PROPOSED ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	PROPERTY ACREAGE
R-18	NA	Residential Single-Family	North: R-18 South: AR East: R-18 West: R-18	Home & Swimming Pool	1.2 Acre

COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY
This property lies within the estate residential character area which promotes 1-acre lot single-family development and auxiliary uses. Fences and walls are to be constructed of wood, polyvinyl, or coated aluminum in front yards which is the stated intent of the owner.

ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT
<p>1. There are extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of land, structure or building in question which are not applicable to other lands, structures or buildings in the same district; <i>It is staff's determination that the recently approved presence of a multi-use path along the Tyrone Rd. frontage of the property constitutes an exceptional and peculiar condition that is not applicable to most other R-18 properties and corner lots, particularly along Tyrone Road.</i></p> <p>2. The application of these regulations to a particular piece of property would create a practical difficulty or unnecessary hardship; <i>It is staff's determination that the recent addition of a cart path which was not a preexisting condition of the property would create a practical difficulty in regards to privacy previously enjoyed by the owner.</i></p> <p>3. Relief granted would not be injurious to the neighborhood or otherwise detrimental to the public welfare or impair the purposes and intent of these regulations; <i>It is staff's determination that relief would not be injurious or detrimental to the public or intent of the regulations. Corner lots are burdened with two frontages which encumbers a higher aesthetic standard on more of the property than a typical lot. 100 Brookfield Ct. has frontage within the Brookfield subdivision off of Brookfield Court, but the Tyrone Road frontage is outside of the neighborhood along a more intense arterial roadway. This circumstance, along with the addition of the multi-use trail, lends itself to a greater need for buffering, landscaping, or fencing to mitigate negative effects associated with the right-of-way. Aesthetically, since the variance is requested along frontage associated with the more intense roadway outside of the neighborhood, the 6' fence would not impair the purposes and intent of the regulations.</i></p> <p>4. A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are afforded; <i>It is staff's determination that a literal interpretation could deprive the owner of privacy enjoyed by others in the same district.</i></p> <p>5. The special conditions and circumstances are not a result of any actions of the applicant; and <i>The special conditions are a result of the intensity of the roadway and the recently-approved addition of a multi-use path. Neither of which are a result of actions by the owner/applicant.</i></p> <p>6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district. <i>It is staff's determination that this variance will not confer a special privilege as the circumstances are unique to the particular property and situation not as a result of the owners actions. This does not establish a precedent for all R-18 properties.</i></p>



- Legend
- Parcels
 - Roads

