



AGENDA ITEM COMMENTARY

MEETING NAME:	Zoning Board of Adjustment
MEETING DATE:	May 19, 2026
ITEM TITLE:	PUBLIC HEARING: Conduct a public hearing on a request for a variance in the front and back required setbacks at 901 Preston Trails.
STAFF INITIATOR:	Tara Tomlinson, Director of Development Services

BACKGROUND:

This commentary applies to the next two agenda items:

1. Conduct a public hearing on a request for a variance in the front and back required setbacks at 901 Preston Trails.
2. Consider and take appropriate action on a request for a variance in the front and back required setbacks at 901 Preston Trails.

DLC Designs, LLC submitted a variance request for 901 Preston Trails on behalf of Star Construction for front and rear setback requirements. Variances are deviations from the applicable standards for the zoning district where existing or proposed development is located, that would not be contrary to the public interest and, due to special conditions of the site or its surroundings, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. Currently the ordinance states that there must be a front setback of 20' from the property line and 15' for the rear setback. Due to the irregular shape of the lot and the abnormal layout of the property line, meeting those requirements would be difficult. The variance request is to reduce the rear setback from 15' to 13' and reduce the front setback from 20' to 12'. The request for a large reduction in the front setback is due to the arrangement of the property line on the site (see attachment). The property line does not run horizontally along the street, making areas smaller than they seem. Though the setback from the property line would be 12', the home would still maintain a minimum distance of 20' from the back of sidewalk. Therefore, with the sidewalk distance, the house would sit back 24' from the street. The driveways are located on the side diagonally, maintaining more than the required 20' by ordinance. Both side setbacks would remain the required distance of 10' along Cambridge and 5' from the neighboring property. The request is further constrained by neighborhood requirements that impose specific home size standards, making it difficult to modify the size of the house.

14 certified letters were sent to residents within 200 feet of the property. Multiple residents called for clarification, but had no objection to the variance.

In exercising its authority to grant a variance, the Zoning Board of Adjustment shall affirmatively find that one or more of the following circumstances applies. In each instance, the Zoning Board of Adjustment shall further state in its minute record the specific nature of those circumstances which justify the variance.

a. **Special circumstances resulting in unnecessary hardship.** A variance may be granted where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.

b. **Overriding Public Interest.** A variance may be granted if it will further an overriding public interest or concern, including, but not limited to:

- i. Preserving the natural environment;
- ii. Promoting maintenance or reuse of older urban or historic buildings;
- iii. Helping to eliminate a nonconforming use at another location;
- iv. Compliance with state or federal mandates.

c. **Equity.** A variance may be granted to permit modifications of height or setback regulations as may be needed to secure equity in the development of a parcel of land where it has been demonstrated that, due to the existence of legally nonconforming structures, a substantial proportion of the other properties in the same area and zoning district are legally enjoying the conditions that the applicant is requesting. Zoning Ordinance

d. **Literal enforcement.** A variance may be granted if it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.

EXHIBITS:

1. Site Plan with requested setbacks
2. Map of property

BOARD ACTION/STAFF RECOMMENDATION:

Hold a public hearing.