



Legislation Text

File #: 21-4199, **Version:** 1

ZBA#21-008: Request for variances to Section 155.055(B)(1) of the Code of Ordinances allow a new addition to the house to encroach into the required 25-foot rear yard setback and the required 10-foot side yard setback at 3208 Ridge Trace Circle; Matt and Melissa Walters, owners

The applicants propose to build a covered patio with an area of approximately 528.2 square feet on the back of the house. The patio will be located approximately 10 feet from the rear property line and approximately 9 feet 7 inches from the side property line. The property is zoned PR, Pre-Development District. By ordinance, lots in the PR District must comply with the same lot dimensions as the SF-12/22 District. SF-12/22 lots must have a minimum 25-foot rear yard setback and 10-foot side yard setback.

On a pie-shaped lot, the method of establishing the rear yard is set out in Section 155.012 of the Code of Ordinances as follows:

LOT LINE, REAR. That lot line which is opposite to and most distant from the front lot line of the lot; in the case of a triangular, pentagon or polygon shaped lot, a line 20 feet in length, entirely within the lot, most parallel to and at the maximum possible distance from the front lot line shall be considered to be the rear lot line.

Staff has prepared a diagram to show where the rear lot line and rear yard setback would be located in relation to the proposed covered patio. The applicants are requesting variances to allow the new addition to encroach approximately 15 feet 5 inches into the rear yard setback and approximately 5 inches into the side yard setback.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 155.113 of the Code of Ordinances, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done.

Attachments:

Maps and supporting information

Site plan and exhibits

Provisions of Section 155.055(B)(1) and 155.012

Letter of Opposition