

ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
May 26, 2022

MEMBERS PRESENT

Chair John Coker
Cynthia Foster
David Lerch
Drew Snider

STAFF PRESENT

Jean Drew, Planning and Development
Services Assistant Director
Frank Onion, Assistant City Attorney
Nathan Brown, Assistant City Attorney
Stacy Snell, Planning Manager
Maddison O'Kelley, Planner
Kaitlyn Buck, Assistant Planner
Colton Barker, Planning Technician

Members Absent

Vice Chair Brandon Mund
Steve Quidley

1. CALL TO ORDER

Chair Coker called the meeting to order at 6:04 p.m.

2. ROLL CALL

Roll was called, and a quorum declared.

3. APPROVAL OF MINUTES

Motion by Member Foster, seconded by Member Lerch, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of April 28, 2022. Motion carried (4-0-0).

4. INDIVIDUAL ITEMS FOR CONSIDERATION

(A) ZB22-0009 Hold a public hearing and consider a request for two variances to Section 3.3-2(b)(1)(iii): 1) to allow an addition to an existing front porch to encroach approximately 9 feet and 2 inches into the required 25-foot front setback and 2) to allow an addition to an existing carport to encroach approximately 7 feet and 11 inches into the required 25-foot front setback in the "SND-1" Special Neighborhood District, addressed at 631 S. Santa Clara Avenue. (Applicant: Paul Dean; Case Manager: Maddison O'Kelley)

Ms. O'Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant cites the fact that the house predates its current zoning as a special circumstance of the land. The applicant further states that, in order to improve the home, the additions to the porch and carport are necessary. Staff acknowledges the age of the house predates the zoning of the property. However, staff does not acknowledge that the ability to improve the home to a modern standard of living is restricted due to the front building setback. The lot has an adequate, unobstructed buildable area and there is availability to expand the footprint of the home into the buildable area at the rear of the structure. This is further supported by the applicant's site plan which indicates additions are proposed at the rear of the home without a variance being necessary to construct the rear additions. Additionally, there is not a provision in the zoning ordinance which requires carports or front porches on residential property and therefore the strict application of the setback requirement is not applicable to the proposed additions. Staff has not identified a special circumstance that affects the land itself.) **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variance is necessary to enhance the property and neighborhood. Staff notes the substantial property right to use the property for a residential dwelling is not removed due to the front setback requirement for main

- structures.) **and**
- 3) **That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff acknowledges the impact to the surrounding area is likely minimal.) **and**
 - 4) **Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant states the variance should not prevent orderly use of other land within the area. Staff notes all neighboring properties are still required to comply with the setback requirements for any new construction.) **and**
 - 5) **That an undue hardship exists;** (The applicant states there is not a hardship that affects the land itself. Staff acknowledges the lot is approximately 10 feet less than the minimum lot width of 60 feet required in the district and the age of the main structure predates the property's zoning. Staff has not identified an undue hardship of the land itself that affects the buildable area of the lot.) **and**
 - 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. Staff notes the intent for the front building setback requirement is to maintain a visual setback from the street and ensure adequate visibility for drivers. Staff acknowledges there are provisions within the zoning ordinance which allow for front porches to encroach into the front setback up to a certain depth and area threshold. Staff also acknowledges the ZBA's recent recommendations to re-evaluate the currently adopted setback requirements for carports.)

Chair Coker asked if there were any questions for staff.

Member Snider asked if there were any sight distance issues.

Ms. O'Kelley clarified there were no issues pertaining to sight distance in this case.

Member Lerch asked if all the homes in this area were setback 25ft.

Ms. O'Kelley stated that it does not appear that all homes are set back 25ft, but that staff was not provided any information regarding other homes in the area.

Chair Coker invited the applicant to speak.

Paul Dean, 932 Rosemary Dr., addressed the question of setbacks, and elaborated further on the request, stating the intent is to maintain and improve the existing home and to conform to other houses in the area to improve the overall quality of the neighborhood. Mr. Dean stated their intention to preserve a large pecan tree on the property.

Member Foster asked Mr. Dean to identify their hardship.

Mr. Dean stated their hardship was due to the presence of the pecan tree in the rear and the narrow nature of the lot.

Chair Coker opened the public hearing and asked if anyone would like to speak.

No one spoke.

Chair Coker closed the public hearing.

Chair Coker asked if there was any discussion or a motion.

Motion by Member Foster, seconded by Member Snider, to approve the proposed request for two variances to Section 3.3-2(b)(1)(iii): 1) to allow an addition to an existing front porch to encroach approximately 9 feet and 2 inches into the required 25-foot front setback and 2) to allow an addition to an existing carport to

encroach approximately 7 feet and 11 inches into the required 25-foot front setback in the “SND-1” Special Neighborhood District, addressed at 631 S. Santa Clara Avenue. Motion carried (4-0-0).

5. STAFF REPORT

No items.

6. ADJOURNMENT

Chair Coker adjourned the meeting at 6:17pm.

Chair

Date

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