



## Legislation Details (With Text)

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**Type:** Report      **Status:** Regular Agenda

**File created:** 10/17/2019      **In control:** Zoning Board of Adjustment

**On agenda:**      **Final action:** 10/29/2019

**Title:** Conduct a public hearing and consider a variance request at 3607 Chellen to reduce the 30' platted side yard setback due to the requirement being more restrictive than the current Comprehensive Zoning Ordinance (CZO); and take appropriate action.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
10/29/2019	1	Zoning Board of Adjustment	approved	

**Conduct a public hearing and consider a variance request at 3607 Chellen to reduce the 30' platted side yard setback due to the requirement being more restrictive than the current Comprehensive Zoning Ordinance (CZO); and take appropriate action.**

**BACKGROUND:**

**Fred Williams**, owner of Lot 1 Block 10 of Crestbrook Estates 3, 4<sup>th</sup> Section, more commonly known as **3607 Chellen Drive**, is requesting a reduction of the 30' platted side yard setback due to the requirement being more restrictive than the current Comprehensive Zoning Ordinance (CZO). Article 3, Section 1.2.d. of the CZO requires a 10' side yard setback for lots abutting a street in the R-2 Zoning District. A variance to allow the 10' side yard setback would be necessary to issue a permit.

**EXPLANATION:**

The property in question is on the northeast corner of Chellen Drive and Chellen Circle. The property survey indicates a 30-foot platted side yard setback on the northwest side of the property facing Chellen Circle. The platted side yard setback is more restrictive than the current side yard setback of 10-feet for lots abutting a street in the R-3 Zoning District as defined in the Comprehensive Zoning Ordinance (CZO), Article 3, Section 1.2.d. The recent changes to the CZO relaxed the zoning district dimensional standards to give owners more flexibility within their lots. The 30-foot second front yard setback was platted this way for future development of Chellen Circle to continue. There is now a development called Vineyard Estates, with a masonry screening wall along the back. Chellen Circle dead-ends at the back of the development. Therefore, enforcing the 30-foot side yard (front) setback requirement is no longer required.

***Just an informational note regarding variances:*** All variances are unique to the property and circumstances to which they were granted. While past cases can be discussed and referenced, the testimony at the public hearing, the facts provided in the application, staff report and the evidence of a property hardship should be the basis for all decisions made by the Board.

**RECOMMENDATION:**

Staff is not opposed to this request, as we feel there are special conditions that exist which are unique to this applicant and property.

**ACTIONS:**

1. I move to grant a variance allowing the use of the Comprehensive Zoning Ordinance, Article 3, Section 1.2.d in lieu of the recorded plat, (*list conditions if applicable*) because our determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the Recorded Plat will be contrary to public interest and will result in an unnecessary hardship.

2. Any other action desired by the Board. (such as denial, continuing or tabling)

**ATTACHMENTS:**

Application	Aerial View Map
Owner Letter of Approval	Location View Map
Survey	Surrounding Property Owner Map
Site Plan	Notice to Surrounding Property Owners
Plat	
Picture	