



## Legislation Text

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File #: 20 ZBA-05, Version: 1

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**ZBA Case #20-01** Conduct a public hearing and consider a variance request at 3714 Wooded Creek Drive to encroach the required 25-foot front yard setback by approximately 107 square feet to construct a more accessible 2 car J-swing garage, and take appropriate action .

**PUBLIC HEARING:**

**ZBA Case #20-01**

**Mike and Barbara Bomgardner**, owners of Lot 26 Block B of Wooded Creek Estates, more commonly known as **3714 Wooded Creek Drive**, are requesting permission to encroach the required 25-foot front yard setback by approximately 107 square feet to construct a more accessible 2 car J-swing garage. The Comprehensive Zoning Ordinance, Article 3.3.H.1 requires the minimum 25-foot front yard to be open and unoccupied space. A variance to allow the approximately 107 square feet encroachment due to the challenging shape of the lot would be required for a permit to be issued.

**EXPLANATION:**

The property in question is on a curve at Wooded Creek Drive and New Bark Circle. The plat indicates a 30-foot front yard setback that comes to a point at the intersection of the two streets. The platted front yard setback is more restrictive than the current front yard setback of 25-feet as defined in the Comprehensive Zoning Ordinance (CZO), Article 3.B, Section 3.6. The recent changes to the CZO relaxed the zoning district dimensional standards to give owners more buildable area within their lots. The unique shape of the front yard and the floodway easement in the rear make a large portion of this property unbuildable. The proposed 107 square foot encroachment of the front setback will allow the homeowner to construct a more usable/accessible two car garage. The current arrangement of 2 off set bays in the existing garage makes it very difficult for a vehicle to maneuver into the bay closest to the home. A variance to allow the approximately 107 square feet encroachment due to the unique shape of the lot would be required for a permit to be issued.

***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 BY THE BOARD:**

1. Motion to grant a variance allowing the encroachment of the front yard setback of 25-feet, (*list conditions if applicable*) because our determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the front yard setback 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  
Site Plan  
Construction Plans  
Plat  
Pictures  
Aerial View Map  
Location View Map  
Surrounding Property Owner Map

Notice to Surrounding Property Owners