

Board of Adjustment Agenda Memo

From: Ryan Miller, City Planner

Meeting: October 3, 2023

Subject: Carroll Variance – Side Yard Setback – 1807 Torrey Pines Drive

Person(s) Responsible: Ryan Miller, City Planner

Summary:

Alyssa Carroll has submitted a variance request to build a deck around a pool with a zero-foot side yard setback at 1807 Torrey Pines Drive. Porches, decks and platforms exceeding 30 inches in height shall not project into any required yard area.

Item Details:

1807 Torrey Pines Drive is located in the Moriarty Fourth Addition within a Residence R-3 apartment zoning district. The side yard setback for a single-family home in the R-3 district is 7 feet.

The homeowner would like to install a deck wrapping around an above ground pool. The proposed deck would have a zero-foot side yard setback and be located between the pool and privacy fence located at the east property line. The deck would be an expansion of an existing deck with access to the rear of the home and stairs to a ground level patio.

The applicant states that a hardship is present due to significant slope in the rear portion of the lot, however, slope in the rear yard would have little to no effect on the placement of a deck on three sides of the existing pool. The applicant also suggests that the proposed location of the expanded deck would allow them to attach the deck to the existing deck. Staff believes that there is ample room for a deck expansion on the opposite side of the pool. This location would still allow a connection to the existing deck, would allow the deck to wrap around the pool and would be less of a nuisance and privacy issue for the neighboring property.

Options and Recommendation:

The Board of Adjustment has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a future meeting

Staff recommends denial of the variance request.

Supporting Documentation:

1. Hearing Notice
2. Location Map
3. Variance Application
4. Site Plan
5. Building Plan
6. Neighbor Letter