



Legislation Details (With Text)

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Title:	Theodosopoulos Variance Request - SE Corner of Medary Avenue S. and 12th Street S. - Variance for lot size and front yard setback				
Sponsors:					
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Date	Ver.	Action By	Action	Result
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Theodosopoulos Variance Request - SE Corner of Medary Avenue S. and 12th Street S. - Variance for lot size and front yard setback

Summary:

The applicant is seeking a variance to plat two (2) lots for future single-family residential development in an R-1B District. One (1) of the proposed lots does not meet the size requirement as it will be 8,500 square feet in size and the ordinance requires 10,000 square feet. The second variance request applies the both future lots and it is for a 25-foot front yard setback instead of the required 30-foot setback in the R-1B District.

Background:

The property is currently vacant and is located at the southeast corner of Medary Avenue South and 12th Street South. The applicant is proposing two (2) lots which are 85'x100' (8,500 square feet) and 110'x100' (11,000 square feet) for single-family residential development.

The property was formerly the site of a BMU substation that was taken out of service. The land is adjacent to Camelot Square Addition which is zoned R-1B but approved in 1976 with the lot area requirements and setbacks of the R-2 District. The R-2 District allows for lots that are a minimum of 7,500 square feet in size with a 25' front yard setback.

Variance Criteria:

1. Due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of the variance.
In this case, the land was historically used for a utility substation which has been taken out of service. The property is developable and the proposed lot sizes will be complementary to the existing neighborhood. The site represents an infill development opportunity that is supported by the Comprehensive Plan.

2. Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.

The property is somewhat unique as it is adjacent to residential development with smaller residential lots than what is proposed. The setback variance will also match the existing neighborhood.

3. The variance is necessary for the preservation of a property right that is substantially the same as that possessed by other owners of other property in the same district.

As previously mentioned, the proposed lots will fit the character of the neighborhood. The adjacent Camelot Square Addition development was approved with lot sizes that are smaller than what is being proposed with the variance.

4. The variance requested is the minimum variance which would alleviate the hardship.

The variance requests seem to be the minimum variance necessary to alleviate the hardship.

5. Reasonable use of the property is not permitted under the terms of this chapter.

There is reasonable use of the property; however, two (2) new residential lots will fit the character and density of the existing neighborhood.

Staff Recommendation:

Staff recommends approval of both variance requests.

Attachments:

Notice

Application

Aerial Map