



Legislation Details (With Text)

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Title:	Purvis Variance Request - 315 Twin Oaks Lane - Construct deck in the front yard setback				
Sponsors:					
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Attachments:	1. Notice, 2. Variance Application, 3. Aerial Map, 4. Site Plan				

Date	Ver.	Action By	Action	Result
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Purvis Variance Request - 315 Twin Oaks Lane - Construct deck in the front yard setback

Summary:

The applicant is requesting a variance to construct a deck 20 feet from the front property line. The joint jurisdiction ordinance requires a 30 foot front yard setback.

Background:

The property is located within the Joint Jurisdiction Area and is zoned JJ-R1B. The home was built close to the 30 foot front yard setback and the current deck is rather small extending only four (4) feet toward the front property line. The owner would like to expand the deck by ten feet which would encroach ten foot into the front yard setback. The joint zoning ordinance does not allow for any deck or porch encroachments into the 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.

There is some level of hardship as the owner cannot expand the deck. The home is built close to the setback and the joint ordinance does not allow for any encroachments. The layout of the home does not allow for a deck in the rear yard.

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

The house is constructed close to the setback line and the home does not have a door to the rear yard making a front yard deck much more practical.

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.

There is not necessarily a preservation of a property right in this case.

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

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

Staff Recommendation:

Staff recommends approval of the variance request.

Attachments:

Notice

Variance Application

Aerial Map

Site Plan