



## Legislation Details (With Text)

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**Title:** Stegeman Variance Request - 1334 Westminster Drive

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Notice, 2. Aerial Map, 3. Application, 4. Plans

| Date | Ver. | Action By | Action | Result |
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Stegeman Variance Request - 1334 Westminster Drive

### Summary:

Gene Stegeman is requesting a variance on Lot 2, Block 10 in Camelot Square Addition, also known as 1334 Westminster Drive. The request is to build a deck within the front yard setback that exceeds the allowable setback encroachment.

### Background:

The applicant wishes to replace an existing front door landing with a 10' x 20' front porch. The porch will be less than 30 inches in height. Porches, decks and platforms 30 inches in height or less above grade may extend into the front yard a distance not greater than 20 percent of the minimum required setback. Although zoned R-1B, homes in the Camelot Square Addition use R-2 zone setbacks. The front yard setback in an R-2 district is 25 feet, therefore, the allowable front yard encroachment for a porch under 30 inches would be 5 feet. The home is built to the front setback line, so a 10 foot porch would double the 5 feet allowed.

### Findings of Fact:

(1) Due to special conditions, a literal enforcement of the provisions of the 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 variance.

**Finding:** Restrictions to front yard porches and decks are intended to protect front yard open space and promote consistency of front facades and setbacks along residential streets. Exceptions are granted to allow front porches and decks to project into a front yard by 20% of the front yard setback. This flexibility reduces potential hardship and a request to go beyond the allowable setback encroachment would violate the spirit of the ordinance.

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

**Finding:** The property is located in the Camelot Square Addition which has been given a zoning exception related to setbacks. Although zoned R-1B, the property is given R-2 setbacks, which grants the property a 25-foot front yard setback rather than 30-foot. The front of the home is built to the allowed 25-foot front setback.

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

**Finding:** The same rule applies for front yard porches and decks on other properties in the district.

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

**Finding:** The variance does not appear to be the minimum needed to alleviate a hardship. The request is for a large 10 x 20 front deck. 10-feet is double the allowable front yard encroachment for a front porch under 30 inches.

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

**Finding:** Reasonable use of the property is permitted.

**Recommendation:**

Staff recommends denial.

**Attachments:**

Notice

Aerial Map

Application

Plans