



Legislation Details (With Text)

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Title:	Prairie Hills LLC Variance Request - Front and Side Yard Setbacks - 806 & 813 Sunflower Road				
Sponsors:					
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Attachments:	1. Public Hearing Notice, 2. Aerial Map, 3. 806 Sunflower, 4. 804 Sunflower (806 side setback), 5. 813 Sunflower, 6. Application				

Date	Ver.	Action By	Action	Result
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Prairie Hills LLC Variance Request - Front and Side Yard Setbacks - 806 & 813 Sunflower Road

Summary:

Prairie Hills LLC has requested variances to the front and side yard setbacks for 806 and 813 Sunflower Road in Lot C of Prairie Hills Addition. The two homes have already been built, however, the required front and side yard setbacks were found to be nonconforming upon review of the plat for Lot C in Prairie Hills Addition.

The required front yard setback in the Residence R-3 apartment district is 20 feet. Because Prairie Hills is being constructed with private roads and common area lots, the accepted front yard setback has been determined to be from the front of the dwelling to the back of the curb, rather than to the public right-of-way which does not exist here. 806 Sunflower Road has an existing front yard setback of 12' 1 15/16" from the dwelling to the back of curb. 813 Sunflower Road has an existing front yard setback of 12' 10 1/2" from the dwelling to the back of curb.

The required side yard setback in the R-3 district is 7 feet. The accepted side yard setback for dwellings within common lot areas is matching side yard setbacks between dwellings, or a minimum distance of 14 feet between dwellings. The existing side yard setback between 806 Sunflower Road and 808 Sunflower Road is 12' 6 9/16" or a 6' 3 9/32" side setback for each. The existing side yard setback between 806 Sunflower Road and 804 Sunflower Road is 12' 3 1/4" or a 6' 1 5/8" side setback for each. 813 Sunflower Road meets side setback standards.

Additional variance requests are likely for this particular portion of Prairie Hills due to additional foundations having been poured and recently constructed dwellings being reviewed for compliance. The developer has agreed to meet all required setbacks going forward.

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: Prairie Hills has been developed with common lot areas and private roadways. This creates challenges in determining front and side yard setbacks due to the absence of front, side, and rear lot lines for individual dwellings. Property owners own their dwelling which is platted as a subplot within common area lots. The dwellings, however, shall still conform to minimum setback requirements established for their zoning district and failing to conform to these setbacks violates the spirit of the zoning ordinance.

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

Finding: All properties within the Prairie Hills development are subject to zoning setbacks established for their zoning district. Acceptable setbacks for properties for the development have been determined to be from the front of the dwelling to the back of curb and matching side setbacks between each dwelling. These differ from traditional setbacks that require front setbacks from the dwelling to the right-of-way and side setbacks from the dwelling to each side property line.

(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: All properties shall conform to the required setbacks established for their zoning district.

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

Finding: Because the dwellings are already built, the variances would be the minimum needed to allow the dwellings to remain where they are.

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

Finding: Reasonable use would be permitted if the dwellings were built to the minimum setbacks required or if given a variance. Without a variance, the homes become non-conforming dwellings.

Recommendation:

Staff recommends approval of front and side yard setback variances for 806 Sunflower Road and approval of a front yard setback variance for 813 Sunflower Road.

Attachments:

Public Hearing Notice

Aerial Map

Site Plan 806 Sunflower

Site Plan 804 Sunflower

Site Plan 813 Sunflower

Application