

## Legislation Text

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**File #:** ID 21-0402, **Version:** 1

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### Robert Lynn Front Yard Variance Request - 1925 Windermere Way

**Summary:** 1925 Windermere Way is a corner lot located on the corner of Windermere Way and 20<sup>th</sup> Street South. The applicant is requesting a variance to build a detached accessory structure (pergola) within the front yard setback area along 20<sup>th</sup> Street South. The required front yard setback is thirty feet and the applicant would like to place a pergola seven feet into the thirty-foot setback. An existing patio is located in the area where the pergola is being proposed.

#### **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:** The home's patio is located in the 20<sup>th</sup> Street South front yard area. There is no patio access to the home's rear yard.

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

**Finding:** The home is a corner lot, which means a front yard setback is required along both street frontages.

(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 pergola is being proposed in association with the home's existing patio. The patio is located in the home's 20<sup>th</sup> Street South front yard area due to the home's construction with a patio door facing 20<sup>th</sup> Street South. No patio access is available to the home's rear yard area.

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

**Finding:** The pergola will tie in to the existing patio area and will not expand further into the front yard setback.

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

**Finding:** Reasonable use of the property would be permitted regardless of the issuance of a variance.

**Recommendation:**

Staff recommends approval.

**Attachments:**

Notice

Aerial Map

Application

Site Plan