



ZBOA Agenda Item # 2

FEBRUARY 6, 2018

Variance Request by Joshua Stevens

File #: APP-2018-01

Joshua Stevens is requesting a variance to LDR Section 218-7 as it pertains to the location of accessory buildings. The subject property consists of 0.43 acres located at 3018 Wendover Road. The property is zoned R-15 and contains a single family residence.

The applicant bought the house in 2017, removed an existing dog kennel on an existing concrete pad, and started building a new accessory building on the remaining concrete pad. The applicant discovered a permit should have been purchased, and that the accessory building did not meet setbacks. There are two accessory buildings on the property—one existing building that is 12 feet by 8 feet, and the new building that is 18 feet by 15 feet. The two buildings are 3 feet from each other; the requirement is that accessory buildings be at least 15 feet from each other. The new accessory building is 14.5 feet from the house; it is required to be at least 15 feet from the house. The new building is, at its closest point to the southern property line, 1.3 feet away from that particular parcel line and 0.33 feet from the rear (western) property line; the LDR requires an accessory building to be at least 10 feet from side and rear property lines.

Variations are intended to give relief in situations beyond design's control. The accessory buildings are too close to each other, the property lines, and to the principal structure (the house). At the worst, the new accessory structure is inches—literally—from the western property line. The parcel is less than a half an acre, and contains a 3800 + square ft. house (including attached garage), two accessory buildings, a swimming pool, and a children's playset. Variations are intended to relieve hardship—something beyond design's control such as unusual topography—not in instances of over-building. In order for this new building to be compliant, it would either need to be moved, or 4 variations granted. This request does not meet the spirit and intent of the regulations and it has no legitimate hardship that justifies the granting of a variance.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and deny the requests.