

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 9, 2013**

<u>CASE NUMBER</u>	5844
<u>APPLICANT NAME</u>	Brad Crain
<u>LOCATION</u>	311 Wacker Lane North (West side of Wacker Lane North, 190'± North of Stein Street)
<u>VARIANCE REQUEST</u>	SETBACK: Front Yard Setback Variance to allow a structure within 18.5' of the front property line in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACK: The Zoning Ordinance requires a minimum front yard setback of 25' for structures in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single Family Residential
<u>AREA OF PROPERTY</u>	17,548 square feet / 0.4±Acres (Proposed)
<u>ENGINEERING COMMENTS</u>	No comments received.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments received.
<u>URBAN FORESTRY COMMENTS</u>	No comments received.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting a Front Yard Setback Variance to allow a structure within 18.5' of the property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum front yard setback of 25' for structures in an R-1, Single-Family Residential District.

The applicant recently received tentative approval from the Planning Commission at its July 11, 2013 meeting for Gulfwood Subdivision, Unit No. 1, Revision of Lot 8 and Additional to Unit No. 1. One of the conditions of approval was to obtain a Variance for encroaching into the 25'

minimum building setback line. Gulf Development created and recorded Unit No. 1 Subdivision in 1952. Gulf Development developed other subdivision units including Gulfwood, Unit No. 4 abutting the west side of Gulfwood, Unit No. 1 where an overlap occurred at the rear of these two subdivisions.

The applicant states, when the residential dwelling was originally staked for construction by a land surveyor, the property corners of the parcels west of Unit No. 1 were used to establish the front property line along Wacker Lane North. The building site plan provided to Staff illustrated that the dwelling was staked 26' off the front property line, therefore permits were issued. A second survey was done after construction of the dwelling where the overlap was discovered, and that the stakes used in the original survey for the dwelling were incorrect. The second survey found the dwelling unit 18.5' from the front property line, encroaching 6.5' into the minimum front yard setback.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

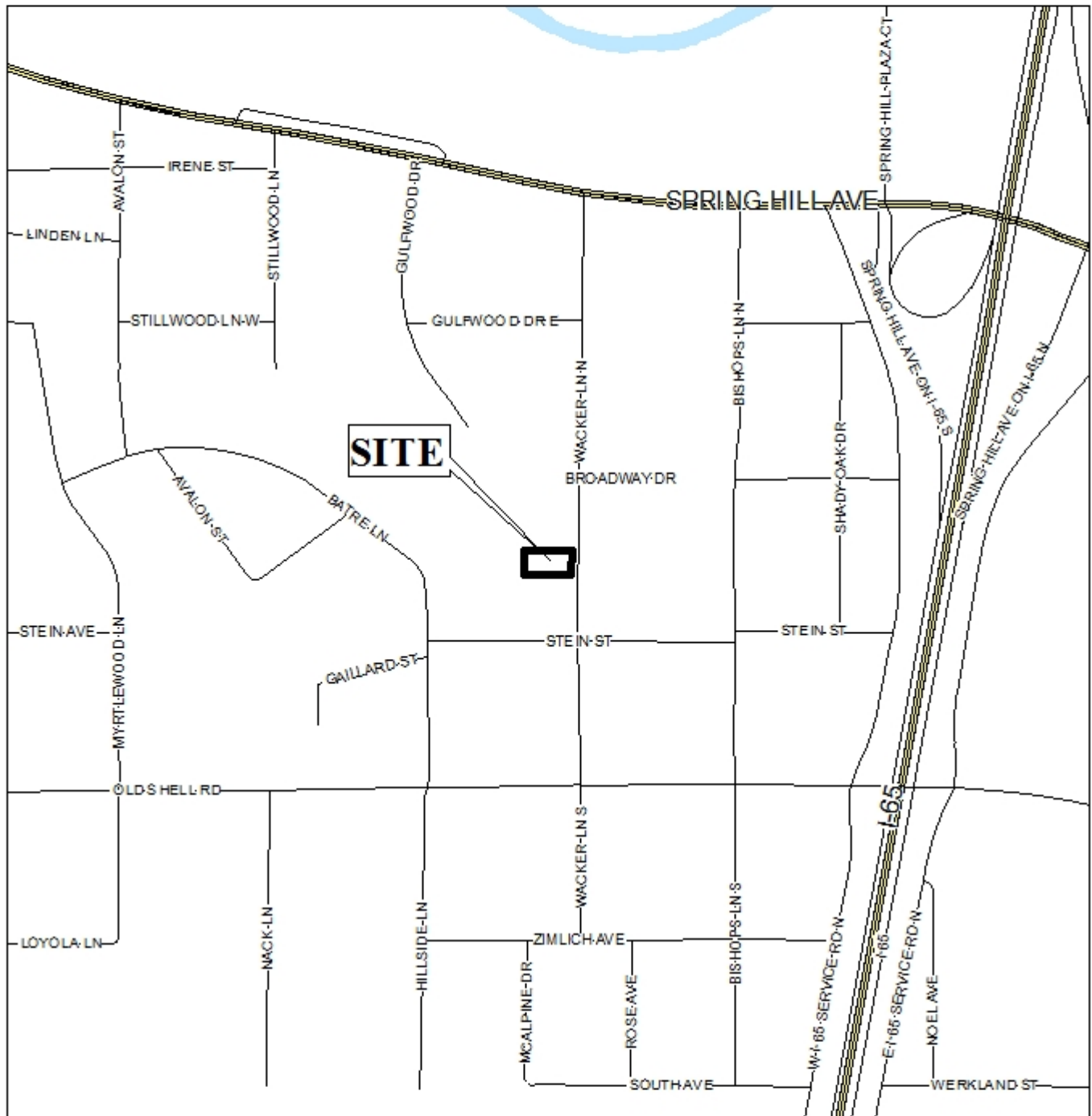
The adjacent property to the south received a front yard setback variance at the March 3, 1997 Board of Adjustment meeting. Additionally, according to aerial photographs, it appears that the existing residences in the immediate vicinity along Wacker Lane North also encroach into the 25' minimum building setback line. Thus a reduced front yard setback for this dwelling unit would not be out of character with the neighborhood. Due to the overlap of two recorded subdivisions by Gulf Development and the error made by the surveyor, it would not seem reasonable to recommend this variance application for denial.

RECOMMENDATION:

Based on the preceding, this application is recommended

for approval.

LOCATOR MAP

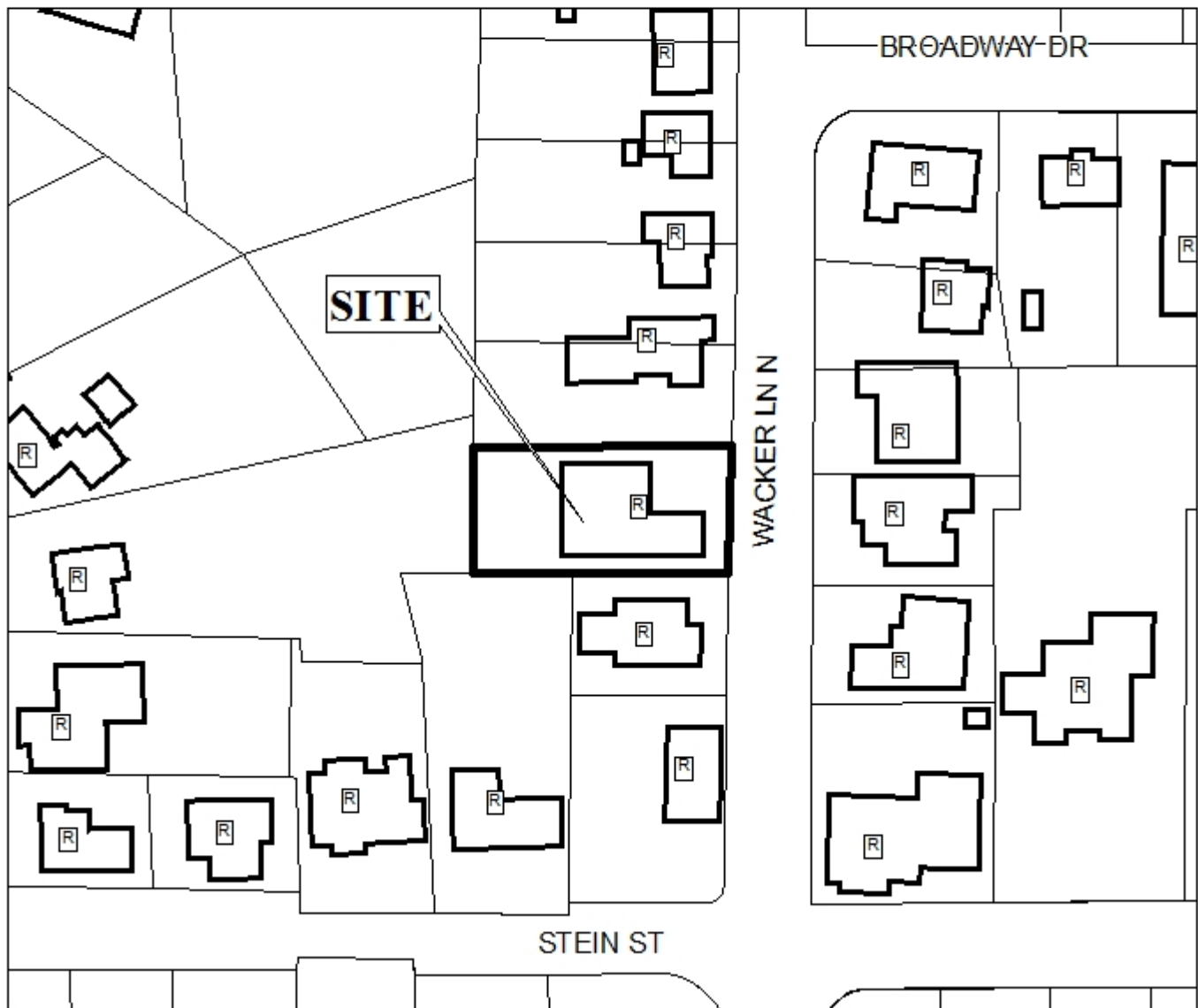


APPLICATION NUMBER 5844 DATE September 9, 2013
APPLICANT Brad Crain
REQUEST Front Yard Setback Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 5844 DATE September 9, 2013

APPLICANT Brad Crain

REQUEST Front Yard Setback Variance

LEGEND

														
R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

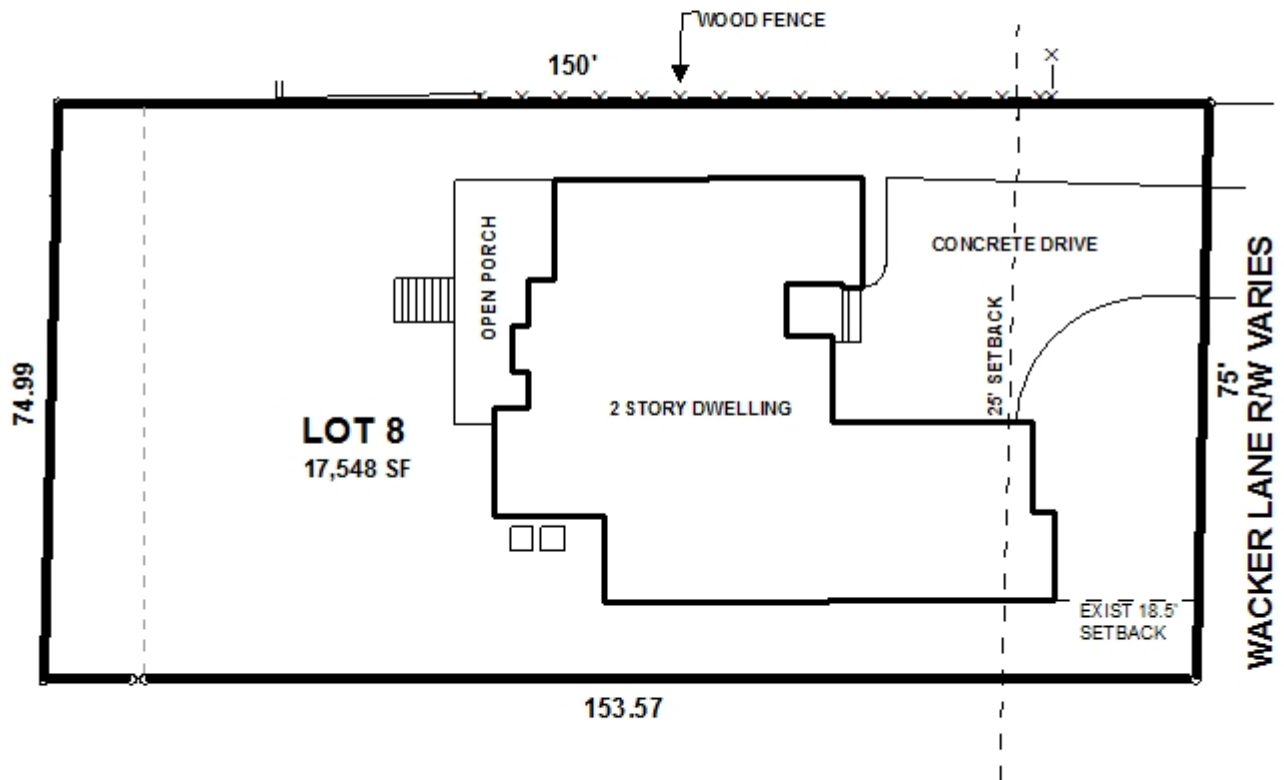


The site is surrounded by single family residential units.

APPLICATION NUMBER 5844 DATE September 9, 2013
APPLICANT Brad Crain
REQUEST Front Yard Setback Variance



SITE PLAN



The site illustrates the existing dwelling, drive, and setback.

APPLICATION NUMBER 5844 DATE September 9, 2013
APPLICANT Brad Crain
REQUEST Front Yard Setback Variance

