

**Zoning Board of Appeals
April 22, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-008; 245 Park Lake Avenue

Summary:

J. Bradley Moore & Associates Architects, INC. representing the property owner are requesting a ten-foot variance from Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1B, Single-Family residential and is a corner lot at the intersection of Park Lake Avenue and Lakeview Drive. The property is directly across the street from the First and Second Sister Lakes and the Dolph Nature Area. The owner is seeking to construct a new single-family home consisting of 2,900 square feet.

Background:

The vacant parcel is 9,757 square feet in size. The average required front setback is calculated on the two parcels to the east on Lakeview Drive and the two parcels to the south on Park Lake Avenue. Both parcels to the east have 40 foot setbacks which results in a 40 foot front setback along Lakeview Drive. The two parcels to the south have a 30 foot and 40 foot setback resulting in a 35 foot front setback.

Description:

The proposed new single-family home will have three bedrooms with an optional fourth bedroom or a home office. The home will also contain a two- car garage.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The applicant has stated that the lot is uniquely positioned adjacent to vacant and through lots that apply an additional front setback beyond the district requirement. Additionally, the terrain slopes steeply to the rear of the subject parcel.

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The petitioner states the application of the additional setbacks for this corner lot create a shallow building envelope and terrain features which make standard basement construction challenging.

- (c). *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the***

individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

The owners state the application of additional setbacks on this property will not benefit the neighborhood as it is not a traditional neighborhood due to its unique layout.

- (d). *That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

According to the applicant the existing neighborhood layout and the contours of the lots were not self-created.

- (e). *A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

The request is modest and the home will be adequately setback from the public right of way.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive style.

**Jon Barrett
Zoning Coordinator**