

**Date of Meeting:** January 5, 2017  
**Subject:** Heritage Residential LLC  
**Project Name:** Variance to allow a reduced rear yard setback  
**Location:** 2310/2312 S Teal St

### **BACKGROUND**

The applicant has built duplex units on several lots in the Teal Ridge subdivision. A variance was approved in 2008 that reduced the front yard setback on the lot from 20 feet to 15 feet. The variance also reduced the front and rear setbacks on several other lots nearby in the subdivision; however the rear setback was not reduced with this variance application.

The applicant submitted an application for a building permit, however, the proposed duplex was found to not meet the required 20 foot rear yard setback. The variance request would reduce the rear setback from 20 feet to 15 feet to allow for the corner of the building as shown on the site plan.

### **CODE APPLICATION**

#### **Sec. 23-138. - RT Two-Family Residential District.**

- (d) Bulk regulations. Bulk regulation requirements in the RT district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet.
  - (2) Setbacks. The following are the minimum required setbacks in the RT district:
    - a. Minimum front yard:
      1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      2. 10 feet from all property boundaries abutting an alley.
    - b. Minimum side yard:
      1. Residential structures: Five feet.
      2. All other uses: 15 feet.
    - c. **Minimum rear yard: 20 feet.**

### **CRITERIA FOR APPROVAL**

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

**ALTERNATIVES**

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request are met. The Board will explain how each criteria are met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request are met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request are not met. The variance(s) are denied.
4. Table the discussion to a certain date to allow for additional information to be presented.

**Prepared by:** Tom Coots, Planner I  
**Date of Preparation:** December 29, 2016  
**Attachments:** Area Map, Site Plan, Letter of Request