



## **AGENDA MEMO**

### **9/22/2020 Agenda**

**TO:** Honorable Chair and members of the Board of Adjustment

**FROM:** Patrick Baugh, Community Development Director

**SUBJECT:** Consider an appeal of the Director's interpretation of the Zoning Ordinance based establishment of required front and side yard setback for new construction on the lot at 4234 McFarlin Boulevard at Douglas Avenue

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**BACKGROUND:**

The vacant lot at 4234 McFarlin Boulevard has been acquired by applicant, Mr. Billy Prewitt, who desires to construct a new single family residence upon the lot. The lot is an irregular, triangular shape. The irregular shape offers no easily identified demarcation between the front and side streets. Staff calculated a front setback off McFarlin Boulevard tapering to a small side yard area off of Douglas Avenue. Mr. Prewitt disagrees with the staff developed building line and offers an alternate alignment of the front and side yards' setbacks. Both alignments are illustrated on attached Exhibit A. The front setback shall be 84.76' off of, and parallel to, the rear property line. The side yards shall be 10' on each side.

Staff from both the Building Official's office and the Public Works Department have reviewed the alternate buildable area proposed by Mr. Prewitt and finds it unobjectionable. Generally, staff considers the alternative buildable area to be reasonable and likely to yield a well-developed parcel that is an asset to the neighborhood. However, staff opinion does not carry the weight of law nor override the ordinances. Therefore, since the Board of Adjustment does have jurisdiction over this matter and may ascertain the proposed setbacks are not contrary to the public interest, this matter remains on the Board's agenda.

Attached are comments on the proposed alternative buildable lot area from the Building Official and Public Works Director. The applicant is aware of the necessary revisions and regulations in the Rights of Way and has agreed to incorporate those into the project plans submitted as supporting documents for a building permit.

**NOTIFICATION:**

A public notice was published in the Daily Commercial Record on September 10<sup>th</sup> 2020 and notices were mailed to owners of real property within 200 feet of the subject site. At the time of this report, staff has not received any responses. Staff will provide an update on responses at the meeting.

**RECOMMENDATION:**

Staff recommends the Board approve the appeal and establish the south and west setback distances for 4234 McFarlin Boulevard as illustrated on Exhibit A.

**ATTACHMENTS:**

Application  
Exhibit A

## 4234 McFarlin Boulevard – Proposed building setbacks – Staff Preliminary Review

### Building Official's comments:

With the given proposed front build line setback, it eliminates the mid-lot zone and decreases the size of a potential structure compared to a typical lot that would be given allowances in the mid-lot zone.

They chose to use the 115' lot width to calculate side yard setback instead of trying to find an average...keeping the same SY setback as a bigger rectangular lot. That was nice of them.

The SW corner of a proposed 3-story structure has no greater "towering" impact on Douglas than any other typical rectangular lot using Douglas as a side street.

The proposed straight front yard setback gives the neighbors more street visibility to make up for a decreased front yard area of the proposed property... nice trade-off.

Since the rear 40 is the same as the neighbor next door and across Douglas, no additional looming structure other than typical on a rectangular lot over neighbor's back yard.

### Public Works Director's comments:

The proposed driveway doesn't pose any more of a hazard than the 5 or 6 other drives in that immediate area. I can live with the general layout they've proposed. Because there is no parking allowed along that curb line, the visibility isn't bad. There are a few details that I would like to see changed:

The eastern drive approach should stay a minimum of 5' from the property line (this will aid considerably with constructability as it relates to the neighboring approach);

The drive approaches should be installed perpendicular to the tangent line of the curb. The western-most approach doesn't look too bad, but the eastern approach flattens out too much in the proposed plan;

The radii of the drive approaches should be 5'. There is not a dimension for those radii on the site plan, but they look awfully small.