



Board of Adjustment Report

November 28, 2017

TO: Board of Adjustment

FROM: Jessica Rees, City Planner

SUBJECT: BOA 17-012 – Paul Turney with Turney Architects, representing property owners Robert and Margie Bruner, requesting a variance with regards to Section 21-100(3)(a)(i) of the comprehensive zoning ordinance which discusses the allowable building wall length for a new family home. The subject property is located at 2816 McFarlin Boulevard and zoned single family SF-4.

BACKGROUND:

In September, architect Paul Turney came to staff to verify he was calculating the 42% calculation correctly for a proposed new home. This calculation is located within our zoning ordinance and the requirement is below. Staff reviewed the preliminary plan and informed Mr. Turney that the 42% calculation was incorrect since they were including the 17 foot public right-of-way into the depth of the lot.

Section 21-100:

(3) Development Standards

(a) Building Walls

- i. In all single-family detached residential districts, a vertical surface in excess of twelve feet six inches (12'6") in height shall not exceed a length greater than forty-two percent (42%) of the total lot depth, measured from the front building line, except as provided herein. Vertical wall surfaces exceeding twelve feet six inches (12'6") in height shall not be closer than forty feet (40') to the rear property line, unless they are part of a gable and set back as required for windows, dormers, or other openings by (b)ii(F) below. In this section, "vertical wall surface" shall be the measurement of the wall from the top of the foundation to the roof eave or soffit.

After staff informed Mr. Turney the calculation was incorrect, the homeowner decided to apply to take the item to the Board of Adjustment for a variance. The variance request is to allow the use of the 17 foot public right-of-way when considering the total depth of the property. Including this 17 foot public right-of-way would increase the total length of the lot therefore, increasing the amount of vertical wall over 12' 6" allowed for this new house. Staff wrote a letter to the architect and homeowner denying the variance request since no property hardship was evident. After several back and forth emails between city staff, architect and homeowner and consulting the city attorney, staff accepted the application for a variance and scheduled the item.

2816 McFarlin has a legal lot depth of 127.50 and the 42% dimension = 53.55 feet. If the public right-of way were to be included in the lot depth, the taller wall could extend an extra 4 foot 5 inches, right up to the rear 40 foot setback.

The City has never allowed right-of-way to be used for any lot dimension.

NOTIFICATION:

A public notice was published in the Park Cities News on November 16th 2017, and notices were mailed to owners of real property within 200 feet of the subject tract. At the time of this report no responses were received. Staff will provide an update on responses at the meeting.

RECOMMENDATION:

Staff recommends that the Board of Adjustment denies this variance request since there is no evidence of a property hardship.

ATTACHMENTS:

BOA Application
Supporting Documents
Site Plan
Minutes from the July 25, 2017 Board of Adjustment meeting