



**BOARD OF ADJUSTMENT
AGENDA MEMO**

12/3/2020

TO: Honorable Chair and Members of the Board of Adjustment

FROM: Patrick Baugh, Community Development Director

SUBJECT: Conduct a Public Hearing and consider a request for variance to the Zoning Ordinance regarding side and rear yard setbacks for a Detached Garage at 3928 University Boulevard; Rob Grasso, Applicant.

BACKGROUND:

A public hearing by the Board of Adjustment, to seek a variance from the Zoning Ordinance of the City of University Park, has been requested by the builder, Mr. Rob Grasso (Ellen Grasso and Sons) of improvements at 3928 University Boulevard. The hearing will allow comment for consideration of granting a variance of the required 10' side yard and the 20' rear yard setbacks to 3' and 8', respectively, for the improvements, namely a detached three-car garage. (The structure may also be considered a 2-car garage with carport.)

The plans for the detached garage at 3928 University Boulevard were reviewed and approved prior to Building Permit issuance. The review participants included the builder - Ellen Grasso and Sons, architects – Barry Bull Ballas Design, and City staff – Dwayne Vest. There were two errors made during the review:

1. The carport was identified as a Porte Cochere, and
2. Only Zoning Ordinance Section 7.2.3.a. was referenced for setback requirements.

There were several questions about the setbacks as the project progressed, however the questions were directed to, and answered by, the initial plan review staff and the same conclusions above offered as basis for approval.

When the questions were escalated to the Building Official, the work was stopped. The project was approximately 60% complete.

The builder was ordered to truncate the structure to comply with the Zoning Ordinance. The builder requested a variance hearing before the Board of Adjustment. The application was received and the hearing calendared before the Board.

The builder asked if the construction could proceed with acceptance of the risk that the Board may order modification of the non-compliant portion of the structure. The minor portion remaining (primarily interior and exterior finishes) to be completed was allowed under that acceptance of risk.

Preventive measures and actions taken by Department staff following the finding of errors include:

1. A rigid peer review of all plans prior to approval for permit issuance, and
2. Successive cursory reviews of building footprint and envelope regulations through foundation stage.

NOTIFICATION:

A public notice was published in the Daily Commercial Record on November 23, 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 received ____ response and are attached to this report. Staff will provide an update on response at the meeting.

RECOMMENDATION:

Staff recommends that the Board conduct a public hearing to gain comment on the issues of this case.

Following the close of the public hearing, the board of adjustment must make its findings and act to approve the requested variance, approve the variance with conditions, or deny the variance request based on the applicable standards and review criteria.

Upon consideration of those comments and the issues, if the setback encroachments will not alter the essential character of the neighborhood or otherwise have a significant negative impact on adjacent properties, staff recommends approval.

ATTACHMENTS:

Application and supporting documents
Building Permit Application
Summary of Responses