

ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: The Office of the City Manager **DATE:** January 24, 2019

SUBJECT: BA 2019-01 Public hearing and consideration of a request from Wraymon E. Hill for a variance to Section 118-313 (Lot and area requirements) at 3840 Diamond Loch West, being 0.43 acres described as Lot 28, Block 2, Diamond Loch Addition.

PRESENTER: Clayton Husband, Principal Planner

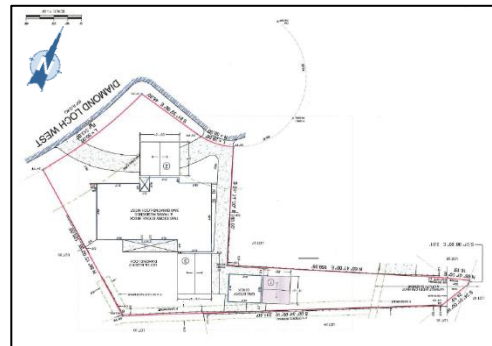
SUMMARY

Wraymon E. Hill is requesting approval of two variances to the building setback requirements to allow construction of a porte-cochere in the front yard and patio cover in the rear yard on 0.43 acres of land located at 3840 Diamond Loch West.

BACKGROUND INFORMATION

The property is located on the west side of Diamond Loch West at the corner of a short cul de sac. The lot is 0.43 acres (18,731 square feet) in size and is zoned R-1 Single-Family Residential. The owners proposed to construct a porte-cochere in the front of the house over the driveway and a patio cover attached to a detached garage in the rear of the property.

The lot is unusually shaped. The house is located on the western portion of the lot, which includes a circular driveway on the corner. The lot also has a narrow panhandle that extends to the northeast, which connects to the retention pond in the center of the Diamond Loch subdivision. The panhandle is approximately 32 feet wide at the widest point and slightly narrows as it gets closer to the retention pond (see figure to the right). A larger copy of a survey of the lot is attached.



On October 24, 2018, the applicant applied for building permits to construct the porte-cochere and patio cover. During the review of the application, it was determined that the proposed construction was not permitted by the zoning ordinance, as the structures did not meet the required building line setbacks. A copy of the plan review report is attached. Rather than revise the size and location of the structures, the applicant has submitted an application for variance.

The variance application and supporting materials are attached. The materials include a survey of the lot and a plot plan showing the proposed improvements to the property. An analysis of the request and relevant codes is below.

ANALYSIS

There are two variance requests included in the application. While included under one application, each request would be considered and voted on separately. The requests are described in detail below.

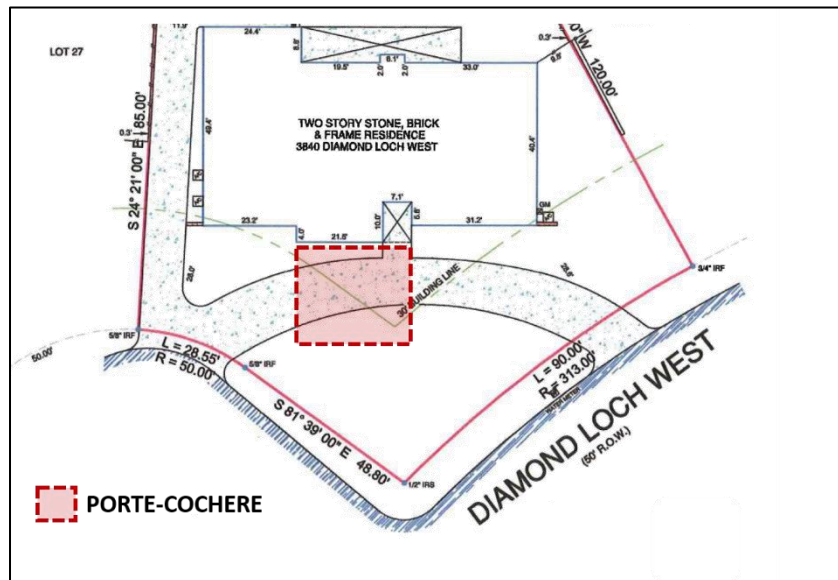
Porte-cochere

The applicant proposes to construct a porte-cochere over a portion of the circular driveway in front the house. The porte-cochere measures 28.5 feet wide by 24 feet deep and is proposed to be located adjacent to the front door of the residence.

Due to the orientation of the house on the lot, the location of the porte-cochere would encroach the front building line. Since the lot is a corner lot, the building line extends across both frontages. The lot has a 30-foot front building line that was established by the plat. However, the zoning of the property (R-1 Single-Family Residential) requires a 25-foot front building line. [Section 118-612](#) of the zoning ordinance addresses this conflict stating that the front yard building line established by the plat is the required building line.

The variance request is related to the minimum front building line standard contained in [Section 118-313](#) of the zoning ordinance. The front building line establishes a minimum distance from the front lot line over which a building or structure is not permitted to extend.

The exhibit below shows the proposed location of the porte-cochere. The location extends beyond the 30-foot front building line. The exhibit also shows the location of the existing house and circular driveway.



Patio cover

The applicant proposes to construct a patio cover behind an existing detached accessory building located at the rear of the property. The patio cover measures 19.75 feet wide by 20 feet long. It is proposed to be located in the panhandle portion immediately adjacent to the accessory building.

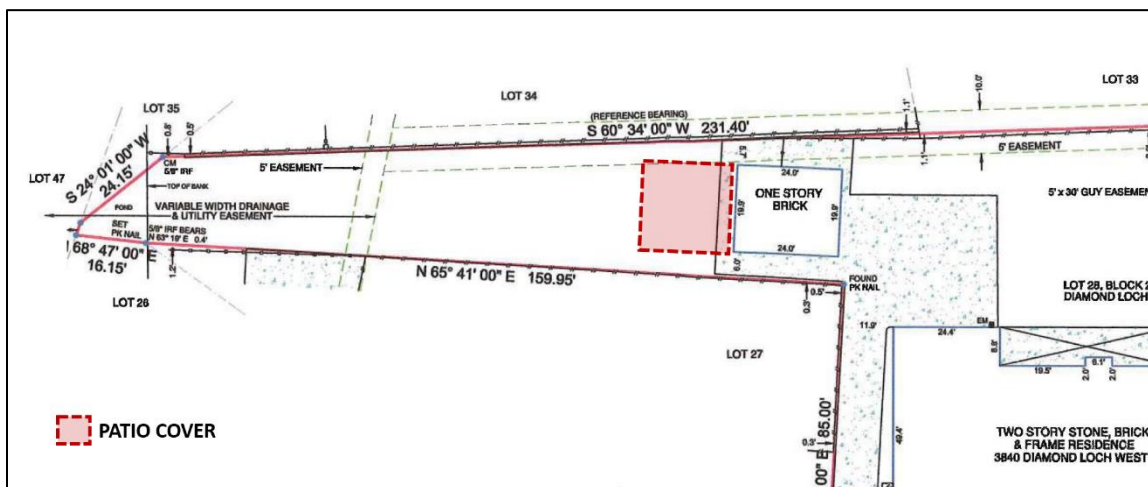
Due to the unusual shape of the lot, the southern property line of the panhandle area is considered the rear lot line, while the northern property line is considered a side building line. The zoning of the property (R-1 Single-Family Residential) requires a 10-foot rear building line and a 6-foot side building line in this area. In addition, a 5-foot wide utility easement is adjacent to the rear lot line.

The accessory building is located at the end of the driveway and in the panhandle area. The building satisfies the 6-foot side setback but not the 10-foot rear setback. The building is located approximately six feet from the rear property line.

The patio cover is proposed for construction behind the accessory building and is designed to match the width of the existing building (19.75 feet). Since the panhandle area is narrower behind the building, the design would result in the patio cover encroaching the side and rear building lines. The patio cover may not be built in the existing utility easement, so the maximum encroachment of the 10-foot rear building line would be five feet. The encroachment of the 6-foot side building line would be less than one foot.

The variance request is related to the minimum side and rear building line standards contained in [Section 118-313](#) of the zoning ordinance. The side and rear building lines establish a minimum distance from the lot lines over which a building or structure is not permitted to extend.

The exhibit below shows the proposed location of the patio cover in relation to the panhandle area of the lot and the existing accessory building. The exhibit also shows the location of the five-foot utility easement.



FINDINGS FOR VARIANCE APPROVAL

[Section 118-86\(4\)](#) of the zoning ordinance authorizes the Zoning Board of Adjustment "...to authorize upon appeal, in specific cases, such variance from the terms of [the Zoning Ordinance] as will not be contrary to the public interest and where, because of special conditions, the enforcement of the [Zoning Ordinance] would result in an unnecessary hardship."

In exercising its powers to grant a variance, the board of adjustment must make specific findings and show in its minutes that:

- a. Literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
- b. The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- c. The relief sought will not injure the permitted use of adjacent conforming property.
- d. The granting of the variance will be in harmony with the spirit and purposes of these regulations.

OPTIONS FOR BOARD CONSIDERATION

The Zoning Board of Adjustment has the following options regarding this application. Each variance request should be considered independently and voted on separately, as they apply to separate structures proposed on the lot.

1. Approve the variance as presented. This action would allow the following:
 - a. The porte-cochere could be constructed in the front yard as proposed.
 - b. The patio cover could be constructed in the side and rear yards as proposed. However, the patio cover could not encroach into the utility easement.
2. Approve the variance with conditions. This action would allow the following:
 - a. The porte-cochere could be constructed subject to the owner making modifications to its size, location, or design as directed by the Board.
 - b. The porte-cochere could be constructed subject to the owner making modifications to its size, location, or design as directed by the Board.
3. Deny the variance. This action would require the following:
 - a. The owner must construct the porte-cochere to comply with the front building line standards.
 - b. The owner must construct the patio cover to comply with the side and rear building line standards.