

# BOARD OF ADJUSTMENT STAFF REPORT



## Dilday

514 Tiger Boulevard

BOA Date: 2/24/2021

Reviewer: Ali Worley, Planning Technician

<b>Project Number</b>	VAR21-0004
<b>Applicant / Current Owner</b>	Chad & Christina Dilday
<b>Site Area</b>	+/- 0.82 acres
<b>Current Zoning</b>	R-1, Single Family Residential
<b>Variance Request</b>	Zoning Code Article 401.07

### Property Description

This property is located at 514 Tiger Boulevard It is currently zoned R-1, Single Family Residential.

### Regulation

According to Zoning Code Article 401.07, Residential districts regulations, section c, Residential setback standards, the side setback for the R-1 zoning district is seven feet.

### Variance Request

The applicant is requesting a setback of five feet, which is a variance of two feet.

### Background

According to the applicant's narrative, they are wanting to expand and add on to their existing house. The applicant states their only option of expansion is to the south and east. They state they have a septic system to the west, a pool to the north, and an existing driveway that would have to be removed otherwise.

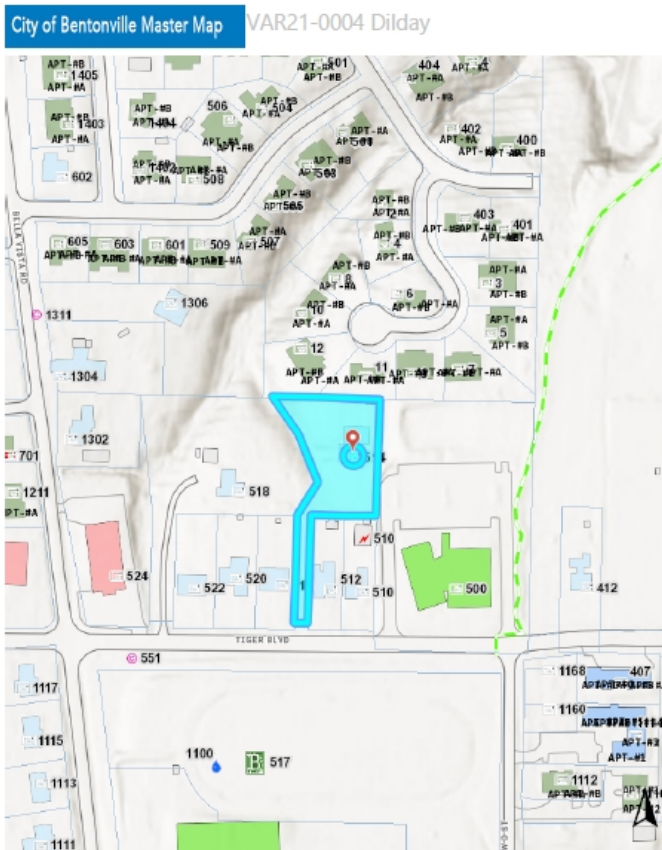
### Public Comment

Staff has **NOT** received public comment regarding this request.

### Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.
2. The applicant shall be required to obtain an approved building permit prior to construction.
3. Any eave or projection that encroaches closer than 5-feet to the property line would have to be fire-rated with no openings on the adjacent wall.



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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## Section 301.10.c, Standards of Approval, of the Zoning Code

*Standards for approval.* A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.