

Summary:

This Appeal is to vary the front setback from the required fifty feet (50') to thirty feet (30') for the construction of a single family residence at 12814 Weber Hill Road. The property is located on the south side of Weber Hill Road, approximately 275 feet west of Kimker Lane. The property is currently zoned R-1 Single Family Residential – 1 acre minimum lot size. All surrounding properties are also zoned R-1.

History & Staff analysis:

In 2017, this property was involved in several petitions. A Minor Subdivision, Boundary Adjustment and Appeals to vary the front setback for an existing residence, lot width and lot size. All were approved and are reflected on the map above. The lot at 12820 Weber Hill Road was created (not included in this project). A portion of the property (shown as 12808 Weber Hill Road) was involved in the Boundary Adjustment and became part of the property at 12804 Weber Hill Road (not included in this project). The remainder is the property in question, 12814 Weber Hill Road.

The currently vacant lot meets both the current lot width and lot size requirement. As the petitioner will further explain, they propose to construct a single family residence on the property and are requesting to vary the front setback from fifty feet (50') to thirty feet (30'). All other zoning requirements would be met by this project.

Per Appendix B Zoning Regulations, Section 9.3-2 Findings: The Board of Adjustment may grant variances from the strict application of this Ordinance when by reason of the strict application of this Ordinance or Amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of this ordinance. It is further provided that this provision shall not permit the board of adjustment to permit a use of land not authorized by the provisions of this ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district.

Before granting a variance, there must be a finding by the Board of Adjustment that all of the following conditions exist:

- (A) That if the owner complied with the provisions of this ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

If the owner complied with the provisions of this ordinance, they would be able to make use of the property as it currently exists.

- (B) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.

The difficulties and hardships are peculiar to this property.

- (C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is not the result of the applicant's own action.

- (D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information provided by the Petitioner, this variance should not be detrimental to the public welfare or health or injurious to other property.

If the Board believes that application of this Ordinance would result in unusual difficulty or unreasonable hardship upon the owner of said property, this appeal should be approved.