



Board of Appeals/Stormwater Board of Appeals
Regular Meeting Agenda Agenda
Monday, March 15, 2021, 5:30 PM
City Hall, Lakeland, Tennessee 38002

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING:
 1. February 23, 2021
- IV. OLD BUSINESS:
- V. NEW BUSINESS:
 1. Action on a request for a variance from Article III Sections 2.Q.1.b. to allow an accessory structure (deck) in the front yard at 9650 Green Spruce Drive.
 2. Action on a request for a zoning administrative appeal for an interpretation of Article III Section 3.Q.1.j regarding the requirement that garages be ninety degrees to the front property line.
- VI. ADJOURNMENT:

Lakeland Board Of Appeals
Stormwater Board of Appeals
Meeting Minutes

Tuesday, February 23, 2021
5:30 PM City Hall

I. **CALL TO ORDER:** Meeting was called to order at 5:30 PM.

II. **ROLL CALL:**

Byron Ledbetter	Present
Connie McCarter	Present
Tom Pickering	Present
Commissioner Wright	Present
(C) Patrick Kitchens	Present

Others present:

Shane Horn, City Manager
Richard Donovan, Planning Director

III. **APPROVAL OF MEETING MINUTES:**

Mrs. McCarter moved to approve the regular meeting minutes of January 26, 2021 as written.

Mr. Pickering seconded the motion.

Motion passed unanimously, voice vote, 5 in favor 0 against.

IV. **OLD BUSINESS:**

1. ***Action on a request for a variance from Article III, Section 3.P.1.1 (1) to allow for more than one access that is not a drip-off drive, Section 6.G.3.a to allow a greater than 22 feet, Section 3.P.1.d to reduce the rear setback from 30 feet to 23 feet 4 inches, and Section 3.p.1.k(2) to increase the percentage of a front façade being occupied from 30% to 40.1% for the property located at 10340 Gray Heron Lane.***

For the record: Chairman Kitchens stated he would recuse himself in this matter.

Mr. Richard Donovan, Planning Director, was given up to 30 minutes to present the city's position regarding the request. *(See Attachment)*

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Lakeland Board Of Appeals
Stormwater Board of Appeals
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Mr. Karl Meier, the applicant, was allowed up to 30 minutes to present his request. Mrs. Meier was present in the audience.

Discussion ensued.

After discussion, Mr. Ledbetter moved to grant the variances as requested on the bases of it being a family accessory unit, and due to time restraint required to amend the regulations.

Commissioner Wright seconded the motion.

Motion passed, roll call vote, 3 in favor 0 against 2 abstentions.

Ledbetter	Yea
McCarter	Abstain
Pickering	Yea
Comm. Wright	Yea
(C) Kitchens	Abstain <i>(recused)</i>

V. NEW BUSINESS: None

VI. ADJOURNMENT:

With no other business before the board, Mr. Ledbetter moved to adjourn the meeting, seconded by Mrs. McCarter. Motion passed unanimously, voice vote, 5 in favor 0 against.

The meeting was adjourned at 6:27 p.m.

Byron Ledbetter, *Secretary*

ATTEST:

Debra Murrell, *City Recorder*



These minutes were approved on March 15, 2021.

Page 2

CITY OF
LAKE LAND
TENNESSEE

Board of Appeals

MEETING DATE: February 23, 2021

REQUEST: For a variance from Article III, Section 3.P.1.1 (1) to allow for more than one access that is not a drop-off drive, Section 6.G.3.a to allow a drive greater than 22 feet, Section 3.P.1.d to reduce the rear setback from 30 feet to 23 feet 4 inches, and Section 3.P.1.k.(2) to increase the percentage of a front façade being occupied from 30% to 40.1%

LOCATION: 10340 Gray Heron Lane

ZONING: R1 (Suburban Estate) with PD Overlay

PROPERTY SIZE: 0.49 acres (21,518 sq. ft.)

OWNER/APPLICANT: Karl Meier

BACKGROUND:

The property located at 10340 Gray Heron Lane, also known as Lot 172 of the Herons Ridge Section C, was initially platted and recorded in July of 2020.

CRITERIA FOR DECISION:

Lakeland Land Development Regulations

Article I, Section 4(O) of the Zoning Regulations authorizes the Board of Appeals to grant variance requests from provisions found in the Zoning Regulations if the following criteria are met:

1. Physical or Topographical Conditions. The physical surroundings, shape, or topographic conditions of the specific property involved would result in a hardship upon the Owner as distinguished from a mere inconvenience, if the strict application of the Land Development Regulations were carried out.
2. Relationship to other Properties within the District. The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
3. Permitted Activity. The variance shall not authorize activities in a Zoning district other than those permitted by the Land Development Regulations.
4. Financial Implications. The variance is not based solely on financial returns.
5. Self-created Hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the date of the Land Development Regulations.
6. Special Privilege. Granting the variance will not confer on this Applicant any special privilege that is denied by the Land Development Regulations to other lands, structures, or building in the same district.
7. Minimum Variance Required. The variance is the minimum variance that will make possible the reasonable Use of the land, building, or structure.
8. Effect on Public Welfare. The variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

9. Effect on Adjacent Properties. The variance shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Nonconforming status. The variance is not based on the presence of nonconforming Use of neighboring lands, structures or buildings in the same district.
11. Prohibited Uses. Under no circumstances shall the Board of Appeals grant a variance to allow a Use not permissible under the terms of the Land Development Regulations in the district involved, or any Use expressly or by implication prohibited by the terms of the Land Development Regulations in said district.

Tennessee Code Annotated

Authorize upon an appeal a variance where by reason of exceptional

- a. narrowness
- b. shallowness
- c. shape (the time of the enactment of the zoning regulations)
- d. topographic conditions, or
- e. other extraordinary and exceptional situation or condition

the strict application of the ordinance would result in

- a. peculiar and exceptional practical difficulties or
- b. exceptional or undue hardship upon

the owner so as to relieve such difficulties or hardship; provided that such relief may be granted

- a. without substantial detriment to the public good
- b. without substantially impairing
 - i. the intent and purpose of the zone plan
 - ii. and zoning ordinance.

ANALYSIS:

The applicant is seeking relief from three Section of the Zoning Regulations:

1. Article III, Section 3.I.(1) to allow one driveway unless a drop-off drive is provided, and
2. Article III, Section 6.G.3.a to increase the maximum driveway width from 22 ft. to 34 ft, and
3. Article III, Section 6.G.4.d to decrease the distance between the corner of the street and a driveway from 25 ft. to 13 ft.
4. Article III, Section 3.P.1.d to reduce the rear setback from 30 feet to 23 feet 4 inches, and
5. Article III, Section 3.P.1.k.(2) to increase the percentage of a front façade being occupied from 30% to 40.1%

An updated site plan has been provided on page 9 of the Supporting Documents and the recorded plat is included as pages 27 through 30.

Staff's comments are bold and italicized after applicable sections of the LDRs for the above-listed variances.

Variance #1

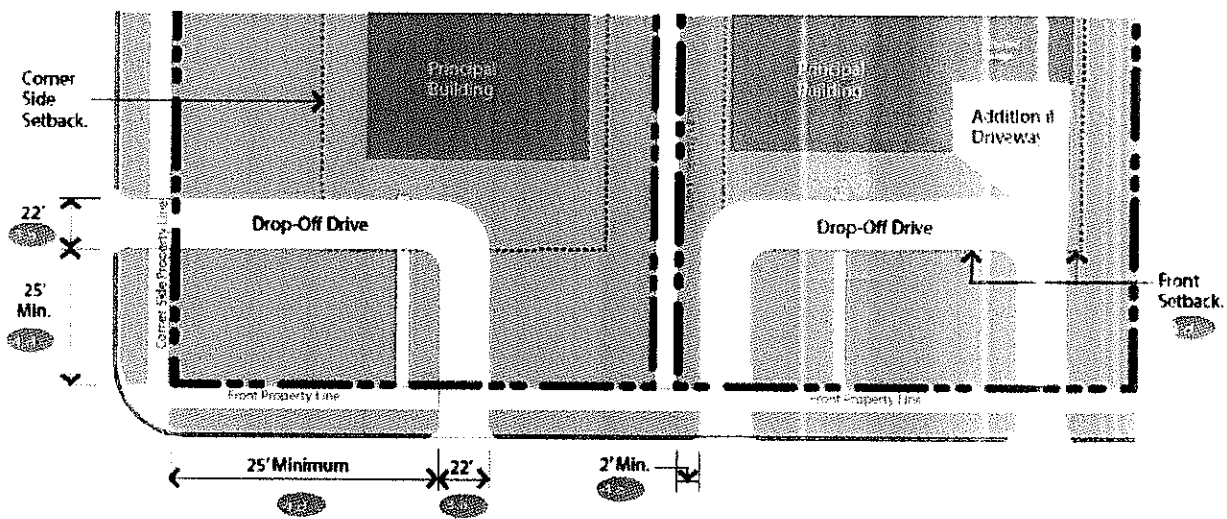
Below is the language from the Zoning Regulations that regulate multiple driveways on one lot:

Driveways & Access.

- 1.l access is permitted from an Alley or a driveway.
 - (1) Up to one (1) driveway per lot is permitted.
 - (2) If Alley access is available, an additional driveway is not permitted.
 - (3) One (1) additional driveway is permitted if a Drop-Off Drive is developed. Refer to III.6.G(3) (d) Drop-Off Drive.

Drop-Off Drive. A driveway with two access Points off adjacent streets, either off the Front and/or Corner Side Property Line. The drive is “C” or “L” shaped and includes a Landscape Area between the drive and the public sidewalk.

- a. Drop-Off Drive. In the RE, R1, and A Districts and on Corner Lots in R2 and R3 Districts, a Drop-Off Drive is permitted provided the following.
 - (1) The portion of the Drop-Off drive parallel to the street shall not be located closer to the Property Line than the required minimum setback. Refer to Figure 6.G-1 Drop-Off Drive.
 - (2) All driveways shall adhere to the Dimensions and Design standards and Location requirements in III.6.G(3) and (4).



The applicant is requesting to have two independent driveways. The LDRs require that a “drop-off driveway” be “C” or “L” shaped. The shape is to maintain spacing and meet the setback required for the driveway. The purpose of these requirements are to ensure that curb cuts are limited to reduce conflict points for drivers and to allow on-street parking.

Variance #2

Below is the language from the Zoning Regulations that prohibits driveways from being wider than 22 feet at the front property line:

- 3. Dimensions and Design. Driveway width is measured at the Property Line as is illustrated in Figure 6.G-2 Driveway Width. (amended Ordinance 17-254 9/14/2017)
 - a. All driveways shall have a maximum width at the property line of twenty-two (22) feet except as stated below.
 - (1) Industrial Building Types. Building Types constructed in M1-M3 shall have maximum widths of thirty (30) feet.

The applicant is requesting to widen the driveway to 34 feet at the street. Driveway width is limited for several reasons: 1) to allow on-street parking and 2) to keep front yards from being completely paved. Approving a variance without a stated hardship will undermine this section of the code from being enforced. Additionally, it will restrict individuals from parking on a public street that is intended for such use.

Variance #3

Below is the language from the Zoning Regulations that prohibits driveways from being closer than 25 feet from the intersection:

4. Location. Specific location information can be found in III.3 Building Type Standards.
 - d. In Single Family Residential Districts, driveways shall not be closer than twenty-five (25) feet from the intersection of two streets (corner), unless otherwise stated in this section or in III.3 Building

The driveway width leads to another issue. Driveways are required to have 25 feet spacing from the end of the radius of the intersection and the driveway. This is to preserve the line of sight for cars making turns at the corner. A driveway that is too close to the corner could block the visibility for anyone making a turn onto or off of Herons Pond Lane. Approving a variance without a stated hardship will undermine this section of the code from being enforced.

Variance #4

Below is the language from the Zoning Regulations that set the rear setbacks for the R1 district that the Herons Ridge Plat is based on:

Side & Rear Yard Setbacks.

- 1.d Rear Yard Setback shall be a minimum of thirty (30) feet.

The applicant is requesting to reduce the rear setback from 30 feet to 23 feet 4 inches. The setbacks intent is to preserve separation between structures on separate lots. This lot is relatively flat, newly created, and complete complies with all other bulk requirements for the Zoning District. There is not justification for a hardship on the site. The proposed structure is simply not suited for this site. Approving a variance without a stated hardship will undermine this section of the code from being enforced.

Variance #5

Below is the language from the Zoning Regulations that set the design standards for garages in the R1 district:

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

- (2) Attached garage Facade shall not occupy a space larger than thirty (30) percent of the building's total front Facade.

The applicant is requesting to increase the percentage of a front façade being occupied from 30% to 40.1%. The intent of this section of the code is to keep from garages from being the dominate feature when viewed from the street. There is not justification for a hardship on the site. The proposed structure is simply not suited for this site. Approving a variance without a stated hardship will undermine this section of the code from being enforced.

STAFF RECOMMENDATION:

Staff recommends denial based on the no hardship existing and criteria for decision not being met. Upon reviewing the application, the application does not meet the following criteria for decision

- Physical or Topographical Conditions
- Special Privilege

It is the Staff's opinion that approval of these variances would cause harm to the LDR and make these sections difficult, if not impossible, to enforce for any permit with the R-1 district.



BOARD OF APPEALS

MEETING DATE: March 15, 2021
REQUEST: Action on a request for a variance from Article III Sections 2.Q.1.b. to allow an accessory structure (deck) in the front yard at 9650 Green Spruce Drive.
STAFF CONTACT: Richard Donovan, City Planner
LOCATION: 9650 Green Spruce Drive
ZONING: R2 (Suburban Manor)
PROPERTY SIZE: 0.37 acres (16,291.4 sq. ft.)
OWNER/APPLICANT: Jason and Becky Collins

BACKGROUND:

The property located at 9650 Green Spruce Drive, also known as Lot 255 of the Lakeland Estates Subdivision Fourth Addition, was initially platted and recorded in December of 1980.

CRITERIA FOR DECISION:

Lakeland Land Development Regulations

Article I, Section 4(O) of the Zoning Regulations authorizes the Board of Appeals to grant variance requests from provisions found in the Zoning Regulations if the following criteria are met:

1. Physical or Topographical Conditions. The physical surroundings, shape, or topographic conditions of the specific property involved would result in a hardship upon the Owner as distinguished from a mere inconvenience, if the strict application of the Land Development Regulations were carried out.
2. Relationship to other Properties within the District. The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
3. Permitted Activity. The variance shall not authorize activities in a Zoning district other than those permitted by the Land Development Regulations.
4. Financial Implications. The variance is not based solely on financial returns.
5. Self-created Hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the date of the Land Development Regulations.

6. Special Privilege. Granting the variance will not confer on this Applicant any special privilege that is denied by the Land Development Regulations to other lands, structures, or building in the same district.
7. Minimum Variance Required. The variance is the minimum variance that will make possible the reasonable Use of the land, building, or structure.
8. Effect on Public Welfare. The variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. Effect on Adjacent Properties. The variance shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Nonconforming status. The variance is not based on the presence of nonconforming Use of neighboring lands, structures or buildings in the same district.
11. Prohibited Uses. Under no circumstances shall the Board of Appeals grant a variance to allow a Use not permissible under the terms of the Land Development Regulations in the district involved, or any Use expressly or by implication prohibited by the terms of the Land Development Regulations in said district.

Tennessee Code Annotated

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the strict application of the ordinance would result in

- a. peculiar and exceptional practical difficulties or
- b. exceptional or undue hardship upon

the owner so as to relieve such difficulties or hardship; provided that such relief may be granted

- a. without substantial detriment to the public good
- b. without substantially impairing
 - i. the intent and purpose of the zone plan
 - ii. and zoning ordinance.

ANALYSIS:

The applicant is seeking a variance from Article III, Sections 2.Q.1.b and 3.P.1.i of the Zoning Regulations to allow an accessory structure (deck) in the front yard.

Patio

Below is the language from the Zoning Regulations that prohibit Accessory Structures from being in the front yard of a lot:

d. Deck and Patio. In the districts where a Deck or Patio is permitted with development standards (“C ”), the Decks and Patios shall follow the Setbacks established for accessory structures.

1. General Development Standards for Accessory Structures. All Accessory Structures shall meet the following development standards, unless otherwise stated in these provisions.

b. Location. Accessory Structures shall be in the Side and Rear Yards.

The applicant is requesting to add a deck within the front yard of the house. All accessory structures are relegated to a side or rear yard, as shown above. The intent of not allowing an accessory structure in the front yard is to ensure that a front lawn is maintained. Additionally, accessory structures are intended to be secondary and subordinate to the primary structure on the lot. This means they are intended to be supportive to the house, not the primary structure or visible feature for the house.

STAFF RECOMMENDATION:

Staff recommends denial based on the no hardship existing and criteria for decision not being met. Upon reviewing the application, the application does not meet the following criteria for decision

- Physical or Topographical Conditions
- Special Privilege

It is the Staff’s opinion that approval of these variances would cause harm to the LDR and make these sections difficult, if not impossible, to enforce for any permit with the R2 district.

Meeting 3/15/21

Docket #:

February 1, 2020

Jason and Becky Collins

9650 Green Spruce Dr.

Lakeland, TN 38002

The City of Lakeland Code Enforcement Officer conducted an inspection of the property located at 9650 Green Spruce Dr., of which you are shown as the registered property owner(s) via the Shelby County Assessor of Property website. During the routine inspection it was determined that the property reference above is in violation of City of Lakeland **Municipal Code:**

14-703 General requirements, fence – Maximum height of fences is 6 ft. unless approved by the design review commission. Fences require a new permit if more than 50% is replaced.

15-609 Parking and/or storage of recreational vehicles and equipment – Place utility trailer in an enclosed space or out of view from the road.

Your accessory permit application has been placed on hold. Accessory structures, the deck, are not allowed to extend closer to the street than the façade of the principal structure, the house. Failure to bring the property into compliance or schedule a hearing with the Board of Appeals (BOA) within (30) thirty days from the date of this notice will result in additional action to include the possible filing of civil charges with the Lakeland Environmental Court. If found guilty, the court could impose a fine of \$50 per day, per violation from the date of this notice.

If you have any questions regarding this notification, please contact Code Enforcement or the Planning Director at (901) 867-2717. Thank you for your cooperation regarding this matter.

Katrina Shields

City of Lakeland

Office of Code Enforcement

February 24, 2021

Location: 9650 Green Spruce Drive
Lakeland, TN 38002

Owners: Becky and Jason Collins

III. Zoning Regulations Section 2

Q. Accessory Structure Development Standards

1. (1) Corner Lots. Accessory Structures are permitted in the Build to Zone but shall not extend closer to the Corner Side Property Line than the Principal Structure.

Objective: This letter of intent is in support for a variance request to the accessory structure located on the East(left) side of our property to extend 7.6 feet and the North(front) side of our property to extend 5 feet further than the Principal Structure.

We understand that in any community with regulations there is some level of necessary hardship and inconvenience shared by the community. We also understand that unnecessary hardship is determined on a case by case basis which brings us to our variance request. Our lot located at 9650 Green Spruce Drive is certainly exceptional. We have not encountered another corner lot in Lakeland Estates with the same steep slope on all sides of our property that includes the south(front), north(back), west(right) and east)left sides. Especially on the southeast side of our property the slope is as low as 4 feet.

In October 2019 the City of Lakeland per our request came to our home to inspect drainage problems on the west side of our house and the north side of our home. The original owners installed a drainpipe on the West side of our home that was too small to keep up with the amount of water that we get from our adjoining neighbor's yard thus causing significant flooding. (See picture 1 & 2) We have since installed a larger drainpipe. Also we asked that the north side of our lot be inspected as there is a 12 inch metal pipe that runs from Canada Rd down 5 backyards and dumps directly into our backyard that created a 3 ft. ditch that extended across our backyard to a sewer drain located on the East side of our property. We were told that the pipe did not have a permit and no recommendations were made. (See picture 3 & 4). We did contract help and incurred the cost for a 12inch plastic pipe to be extended to the city sewer drain and covered so that we could utilize our backyard. (See picture 5).

On the east and north side of our lot where we are asking for the variance because the property slopes down to over 4 feet (See picture 6 & 7). This side of our home drains into the same sewer drain as the back yard. When it rains the south(front) and east(left) sides are unusable for weeks and then if it rains again another week and so on. It is impossible to walk in the south(front) and east(left) side of our property because of the flooding. Grass cannot grow. It is mud on the south(front) side that extends 8 feet from our house to the street and extends the length of our home. (See picture 8 &9) It is also mud on the east(left) side of the property at least 25 feet from our house to the street that extends the entire length of our east side of our property. (See picture 10) We felt that economically the deck would benefit us and the City of Lakeland. In 2018 the City of Lakeland installed 3 sewer drains in our neighbor's yard across the street. (See picture 11) We did not want to put that financial burden on the City of Lakeland nor the exposure of the drains to the community which could be a safety hazard not to

mention an eye sore. We feel without the variance there would be no reasonable use of the south and east side of our property because of the flooding and slope of our lot.

In addition our lot is the only corner lot on Green Spruce Drive. Green Spruce Drive is one of the few entrances to Lakeland Estates. Our location gets a lot of traffic that goes by our home which brings up security and privacy issues. We have a doorway and large window on the east Side of our home. The variance would support the extension of the deck that would help deter someone from breaking into our house or a peeping Tom looking into our home. Rails will be installed in the spring. Previously there was a 4x12 foot deck with steps that led to the door. (See picture 12 & 13) In December of 2020 we were victims of the auto break ins.

Lastly the approval of the variance would not result in any detriment to nearby or adjacent properties. Traffic at the intersection of Green Spruce Drive and Green Spruce Bend is not obstructed if the variance is approved. (See picture 14 & 15) Nor are there any obstructive views for neighbor's exiting or entering their driveways subsequently not causing any public safety concerns. (See picture 16)

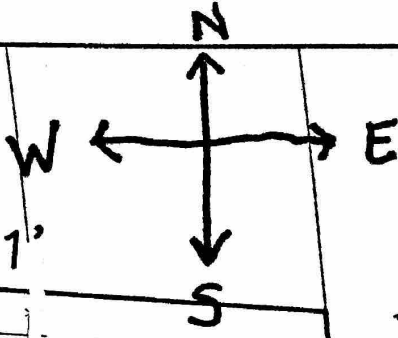
Please consider approving the variance of the accessory structure of 7.6 feet on the East side of our property and 5 feet on the south side of our property.

Sincerely,

Becky and Jason Collins



256



106.51'

S86°24'00"E

5' Sewer Esmt.

255

15,427.6 sf

CMF ←

25' Bldg. Line

137.07'

7.5' B.L.

Wood

2-S-B-Fr # 9650

Variance of 7.6 ft Eastside

109.68'

Green Spruce Bend

(50' R.O.W.)

254

N02°58'00"E

10.0

33.6

38.2

23.1

18.8

29.6

10.9

35.7

Wood

Concrete Driveway

31.2

41.5

S01°17'05"E

4.0

6.4

4.4

16.3

Variance 5 ft southside

5' Esmt. Inst. S5 0949

18.78'

26.9

31.0

R=25.00

41.12'

93.13'

N87°02'10"W

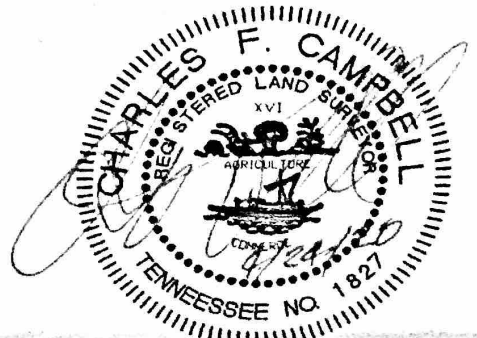
Green Spruce Drive

(50' R.O.W.)

CMF ↑

SURVEY OF:

9650 Green Spruce Drive
Lakeland, Tennessee
Lot 255, Fourth Addition
Lakeland Estates Subdivision
Plat Book 83, Page 51
Shelby County Register's Office



Date: 04/24/2020

This plat represents a nonmonumented mortgage loan survey done under the authority of the...

< Inbox

2 Messages



From Okerson, 3928 Green Spruce Bend re: variance

Dear Neighbors,

We think your home will be lovely when you finish, and are delighted with the improvements that you have made.

We have no objections to the changes you have made, or the ones you are currently planning.

You may submit our opinion to the board, if it is of any benefit.

Good luck with your appeal.
Sincerely,

Jo Ann and John Okerson
3928 Green Spruce Bend





Mark Oliver

Yesterday

To: Becky Young-Collins >

Neighbor

We are your neighbors at 9675 Green Spruce. We just wanted to encourage you guys. We love the progress you have made so far. The house is looking great! We support you guys as you improve your home exactly as you see fit. I pray the upcoming meeting goes great!

In His grace,
Mark Oliver

See More



Becky Young-Collins

9:36 AM

Thank you Mark for your kindness....

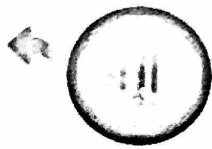


 Inbox

2 Messages



 **Siri found new contact info**
Jean Jones jjeanjones@att.net add... 

**Jean Jones**

Yesterday

To: Becky Young-Collins >

notification letter

Becky,

My husband Gordon and I received your letter and we would like to know what the problem is?

We think you have done a good job to control the water and we understand your wanting to change the look of the house.

We like the looks of the deck and everything you have done to improve the property.

My email address is jjeanjones@att.net.

My phone number is 901-212-6761

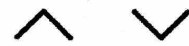
Feel free to call or email us.

Thank you.

Jean Jones Phil. 1:3

< Inbox

3 Messages
Green Spruce



VICKIE L CARTER

7:25 AM

To: Becky Young-Collins >

Dear Becky and Jason,
I wanted to tell you that I support your right to make the improvements on your home. My husband and I live on Blue Spruce Circle, so we drive by every day. We have enjoyed watching your house take shape and think you are making striking improvements. Please let us know a written statement will help.

Vickie Carter
Blue Spruce Circle

See More



Becky Young-Collins

9:33 AM

Thank you Vickie for your kind wor...

Becky Young-Collins

10:51 AM

Begin forwarded message: From:...



Picture 1

2



© LIVE



Picture
3

4



Picture 5





Picture
6

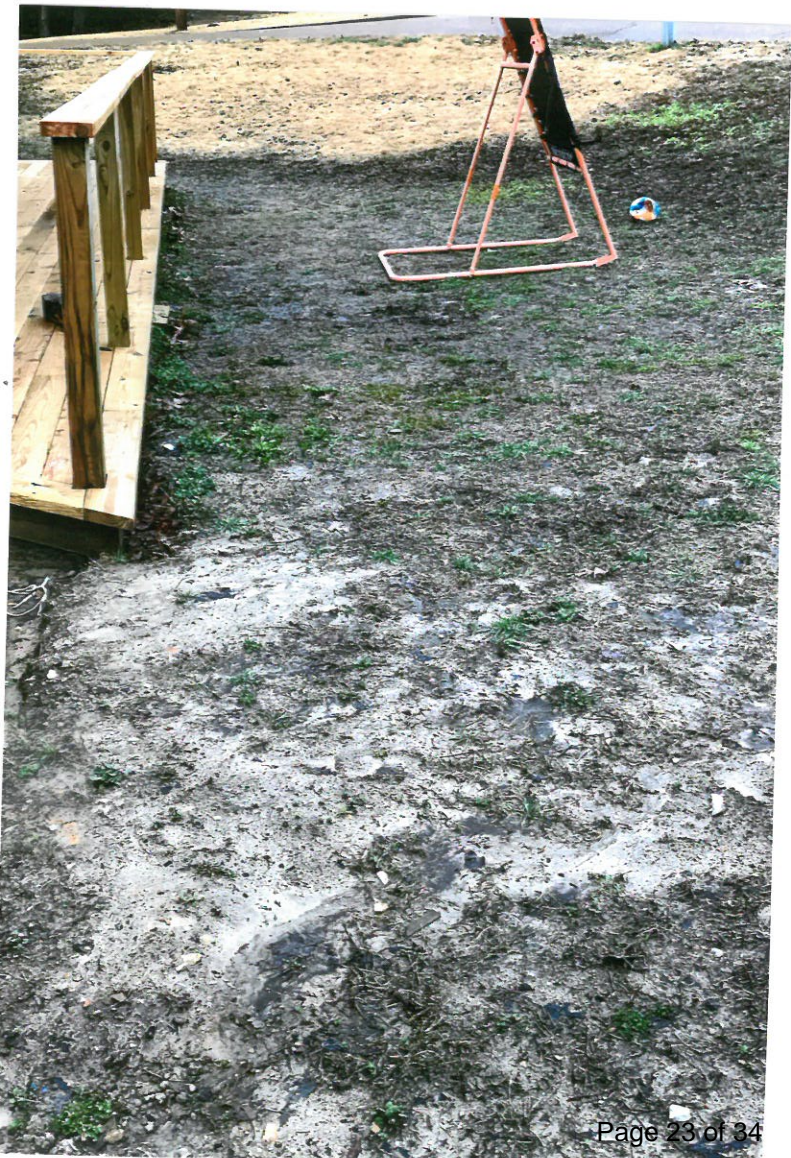


7



Picture 8

9



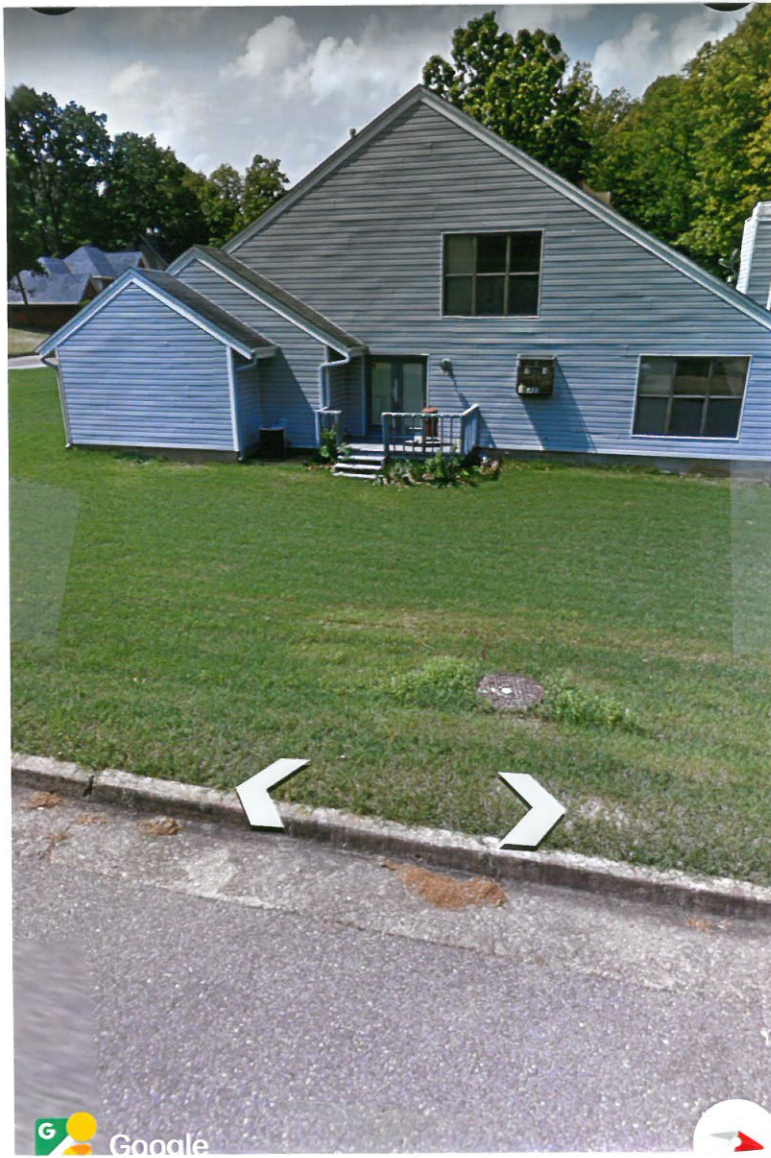
Picture 10





Picture
11





Picture
12



13



Picture
14



15

Picture 16





BOARD OF APPEALS

MEETING DATE: Monday, March 15, 2021
SUBJECT: Action on a request for a zoning administrative appeal for an interpretation of Article III Section 3.Q.1.j regarding the requirement that garages be ninety degrees to the front property line.
STAFF CONTACT: Richard Donovan, City Planner
APPLICANT: Lou Correale

BACKGROUND:

This request is not the typical variance or conditional use permit that the BOA hears. This request is challenging the Staff's interpretation of a section of the Zoning Regulations. This request is within the BOA's scope, and the process is laid out in the Land Development Regulation. Below is the language from the Zoning Regulations laying out the intent of this appeal:

P. Zoning Administrative Appeal.

1. Intent. The Zoning Administrative Appeal process allows the review of any decision made by the Code Administrator or other City official in carrying out or enforcing the Zoning Regulations.
 - a. This process is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions, and to provide a local procedure for their review and correction.
 - b. This process is not intended to subvert either the clear purposes, intent, or meaning of these Land Development Regulations or the rightful authority of the Code Administrator to enforce these regulations.
 - c. BOA, in reviewing these cases, shall give all proper deference to the spirit and language of these Land Development Regulations and to the reasonable interpretations of those charged with its administration.

This appeal also differs from the typical variance or conditional use permit since it will not be site-specific. The decision rendered by the BOA will affect the interpretation of the specific section of the LDRs Citywide.

DISCUSSION:

The applicant is challenging the Staff's interpretation of Article III Section 3.Q.1.j of the Zoning Regulations. Below is the section of the Zoning Regulations in question.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

1.j Attached garages may be in the Front Yard, but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line.

Staff interprets this requirement as meaning that the garage door shall be perpendicular to the street in front of the house. The particular question comes into question on cove lots where the street is curved. The Staff has provided three drawings of how Staff interprets the Zoning Regulations. Staff interprets this requirement by drawing a line from one corner of the lot to the other corner on the street (shown as the red line). Then moves is back to the setback. The garage in the front yard would need to be parallel to that red line, as shown with the green box with the door on the non-street-facing façade. The house would be behind that, the orange box. All three-drawings show the garage at the 90-degree angle or greater in the case of Figure 3.

This section of the LDRs intends to keep the garage door from being the primary door visible to the street. The applicant submitted for a permit with the site plan listed in Figure 4. This garage is less than 90 degrees to the street, making the garage in the front yard visible from the street and non-compliant with the LDRs.

BOA's decision on this item will affect the interpretation of this section on cove lots moving forward.

Figure 1: Garage 90-degrees to front line.

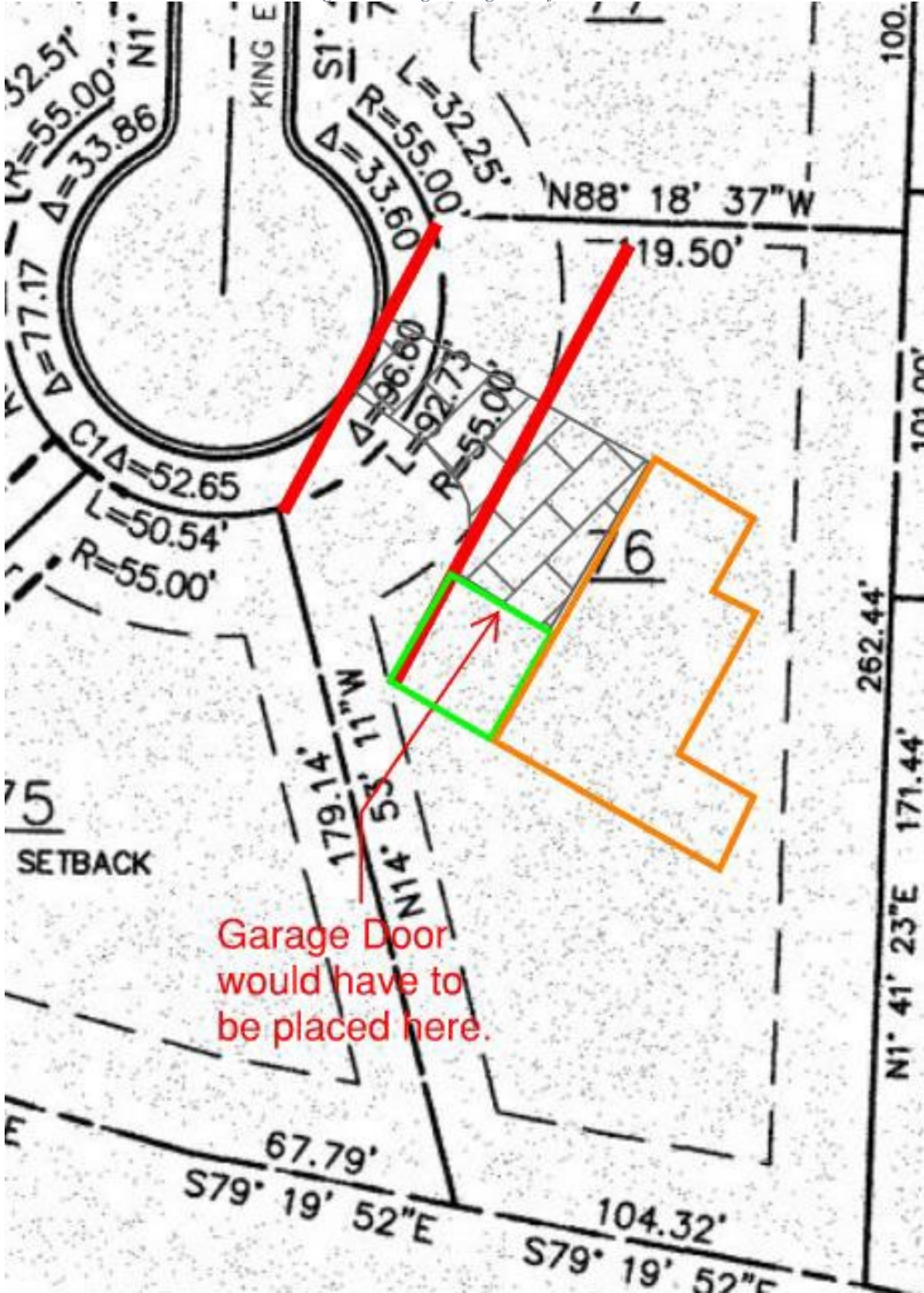


Figure 2: : Garage 90-degrees to front line.

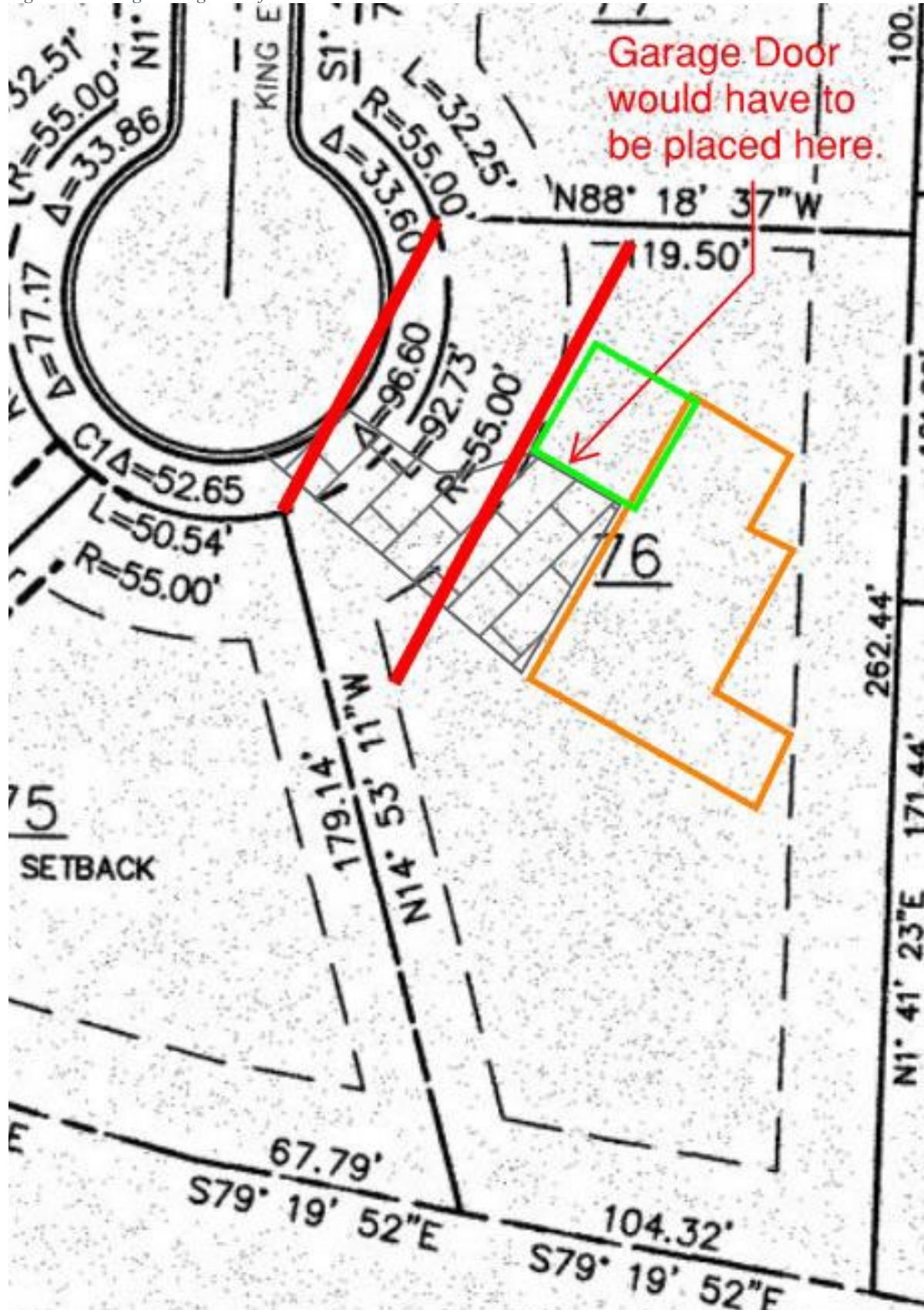


Figure 3: Garage greater 90-degrees to front line.

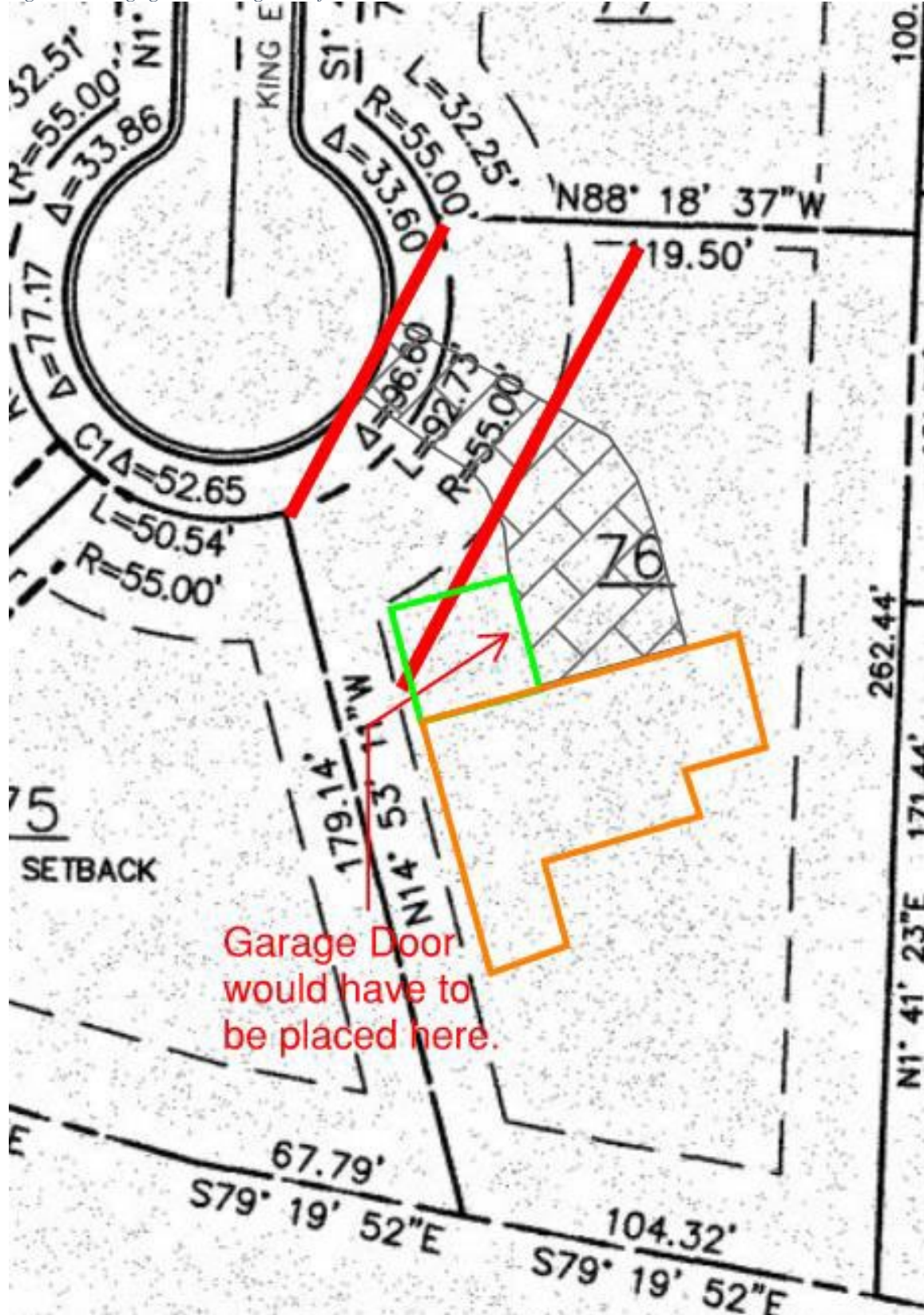
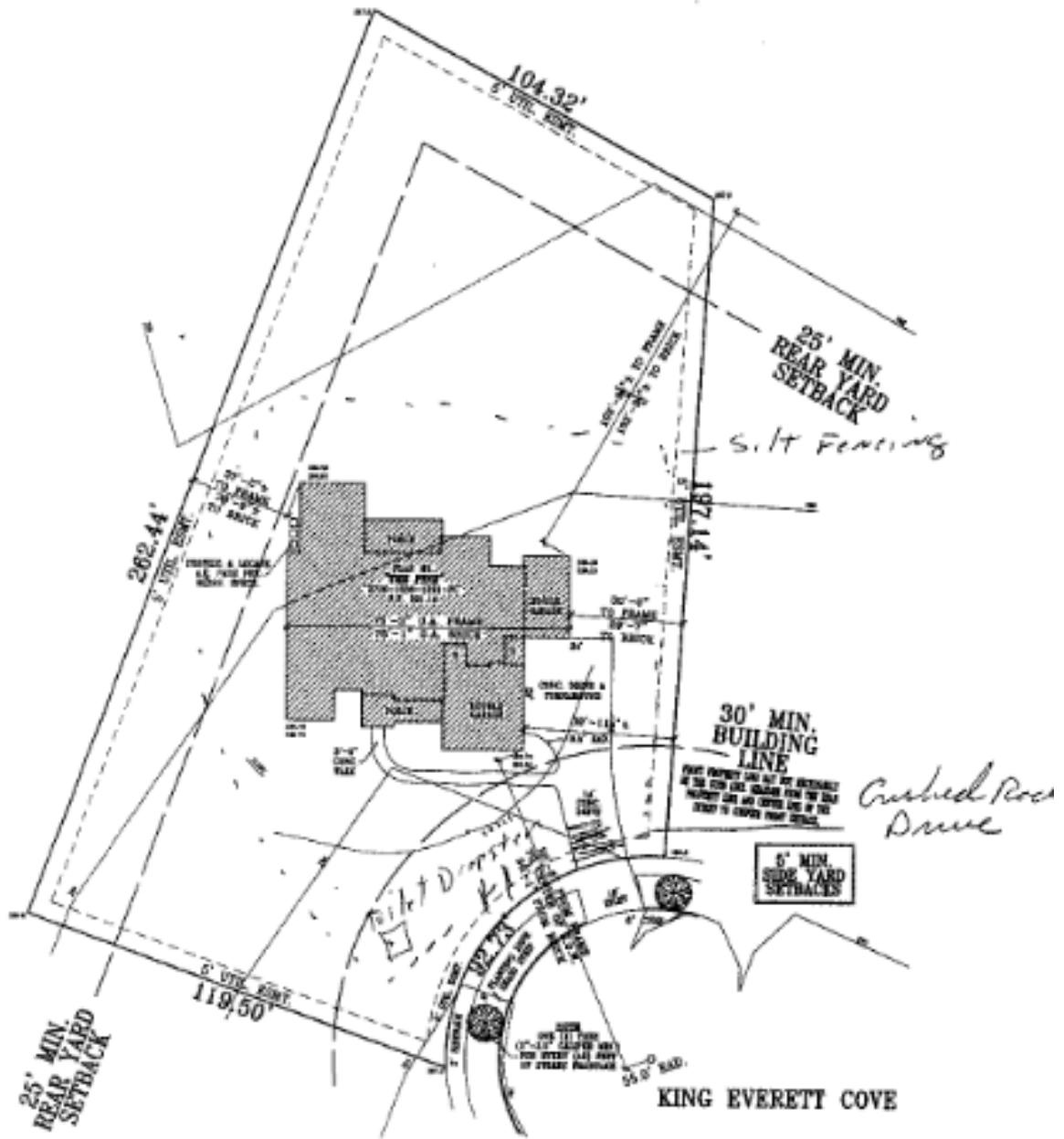


Figure 4: Applicants Site Plan



STAFF RECOMMENDATION:

Staff is with holding recommendation since this application is challenging Staff's interpretation of the Zoning Regulation.