



6/29/2023

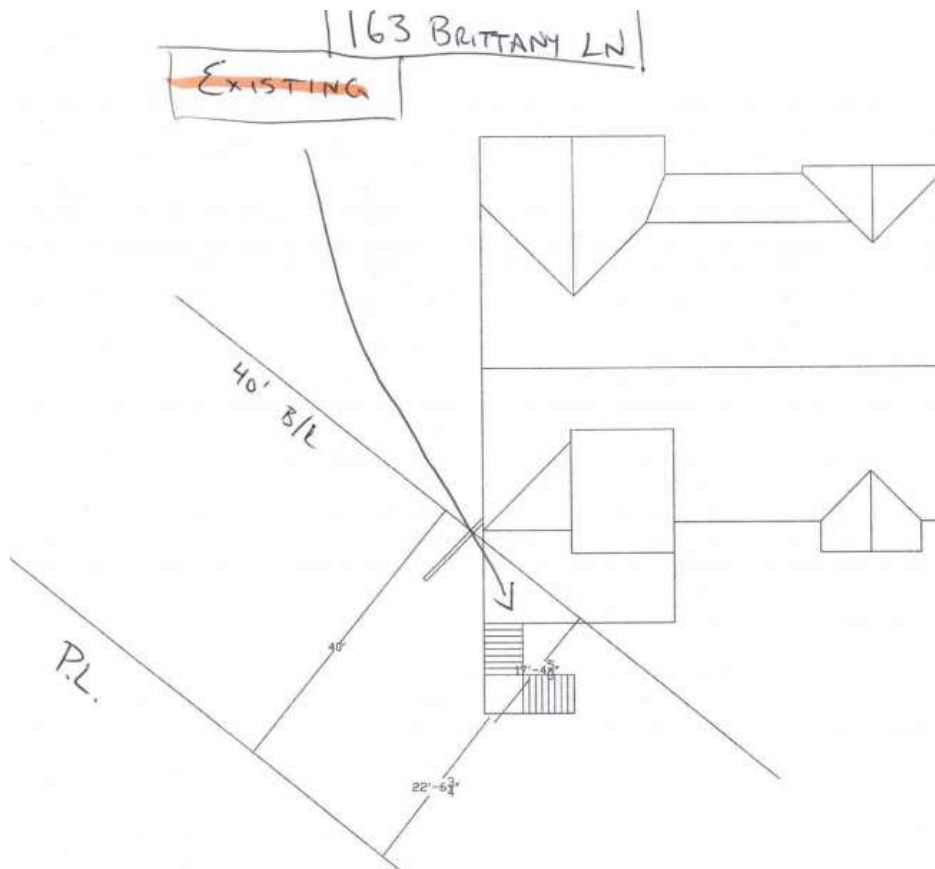
To: Mayor and Council

RE: Staff Recommendations – 163 Brittany Lane –Variance

The applicant has submitted a variance application for a rear setback encroachment.

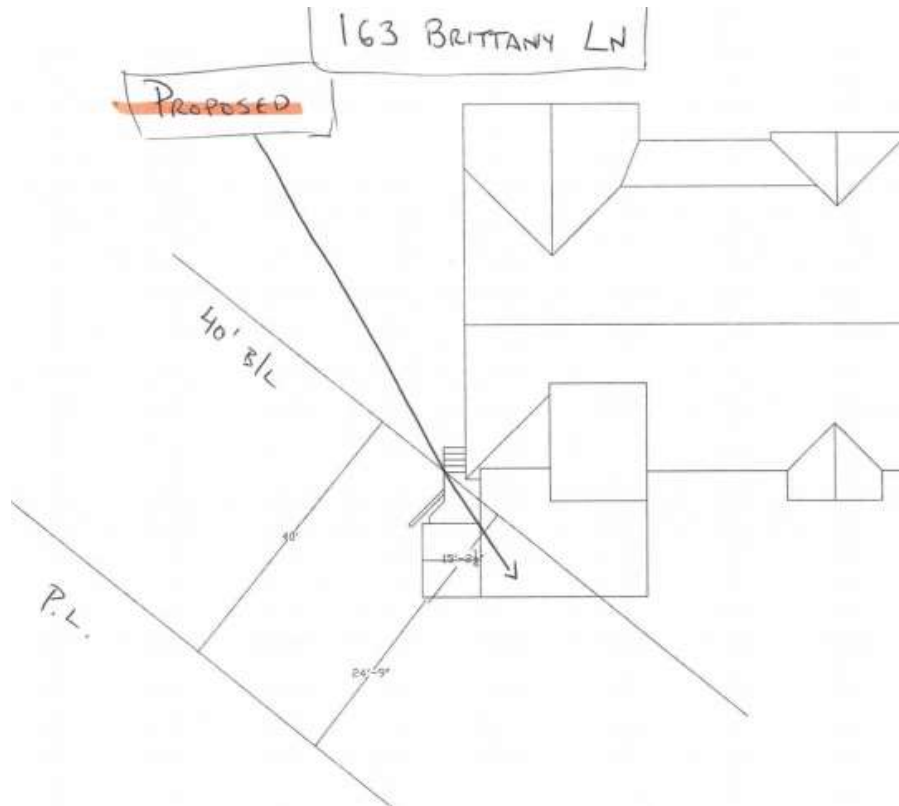
The applicant proposes to remove old steps and a deck and replace with new steps and covered porch.

Existing:

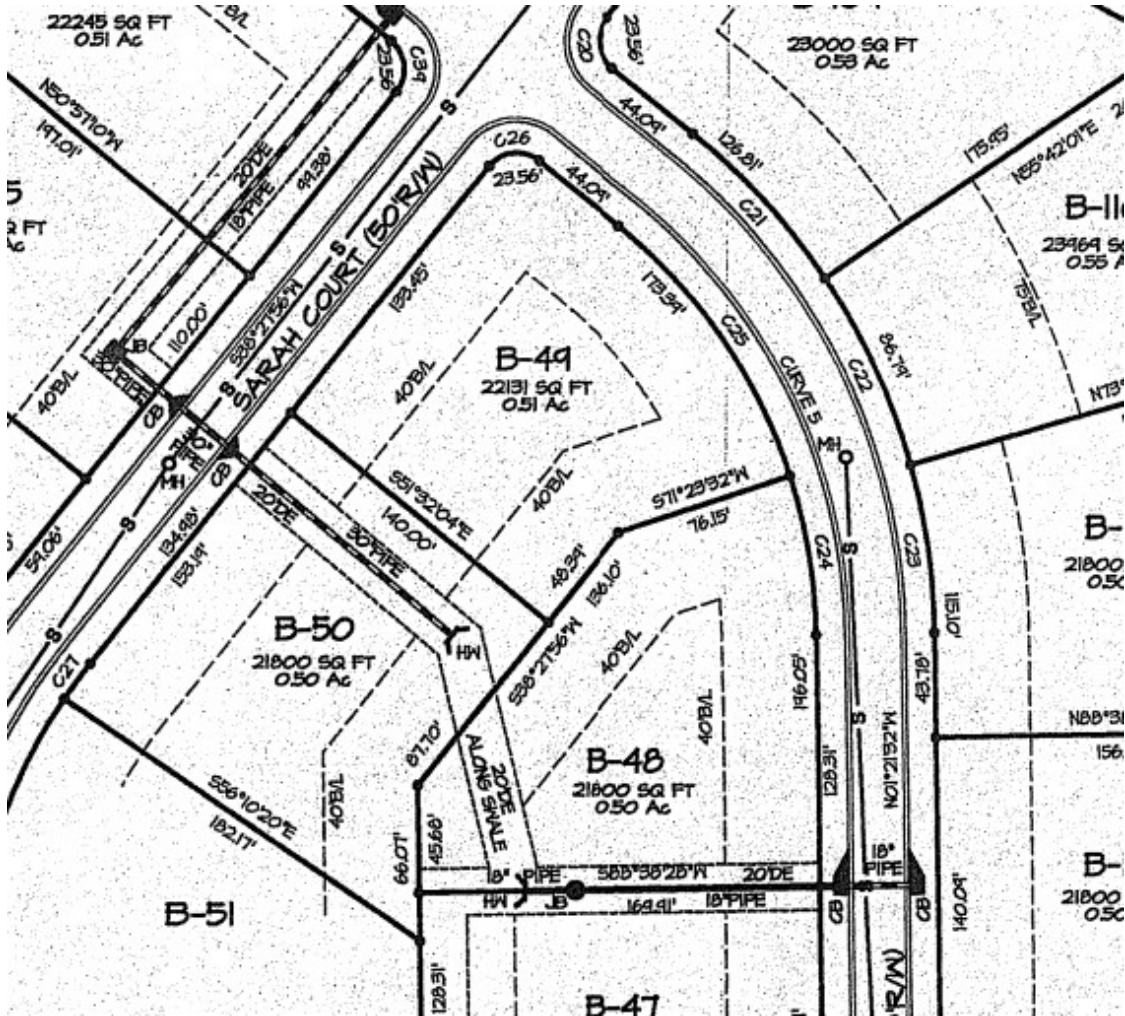




Proposed:

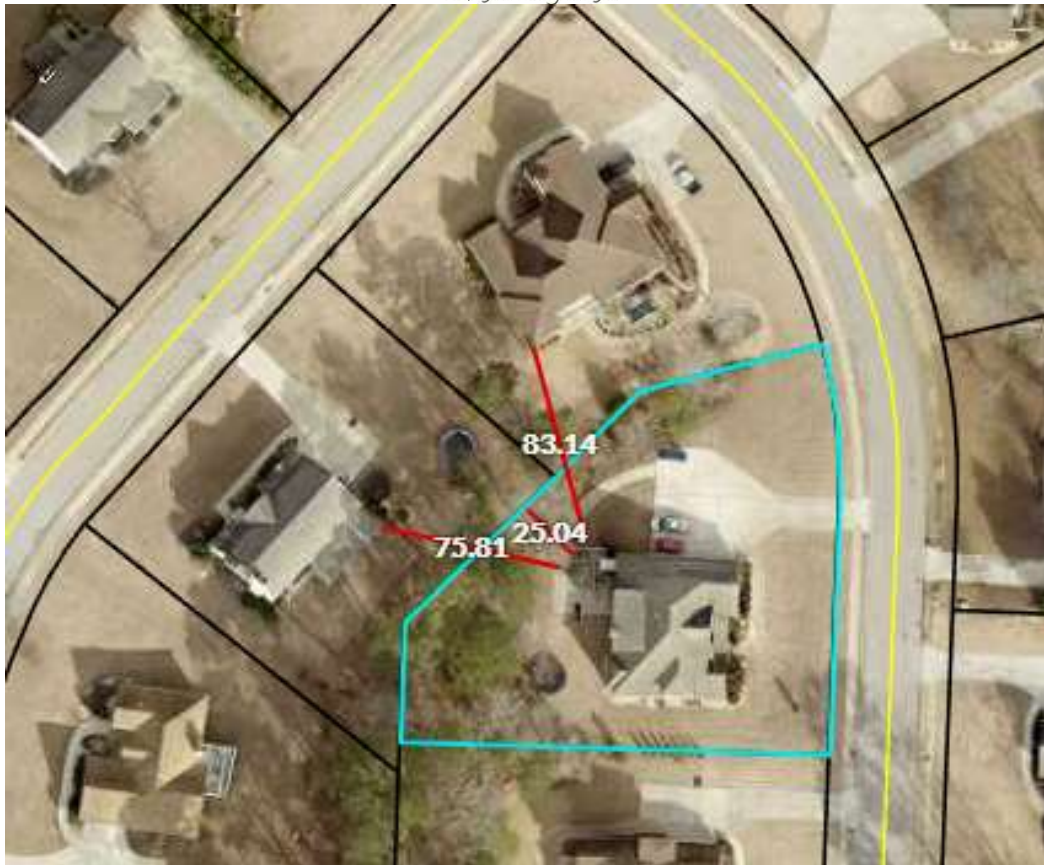


The approved final plat for Morningside Phase B reveals that the lot (B-48) shape affects the setbacks and buildable area with a side and rear angled lot line. Staff believes there may have been a mistake made on this lot in terms of setbacks since no side setback was applied to this lot on the lines adjacent to B-49 and B-50.



Further, under the current R40-C zoning district the setbacks on the side are a minimum of 10 feet and on the rear a minimum of 25 feet if applied equally to abutting rear lot lines. The rear setback is not defined as a minimum 25 feet but rather that structures be 50 feet apart which typically results in a 25 foot rear setback. The approved final plat shows a rear setback of 40 feet versus the 25 feet allowed by the current ordinance.

Since the proposed distance between the existing homes is more than 50 feet and the proposed structure improvements (covered porch and steps) will meet the 25 foot setback, staff are of the opinion the variance should be approved.



STAFF RECOMMEND APPROVAL OF VARIANCE AS REQUESTED

- A hardship does exist – size and shape of the lot,
- Applicant did not create the hardship,
- No negative impacts are recognized by approving this variance,
- Applicant meets all other ordinance requirements.