

BOARD OF ZONING APPEALS

FEBRUARY 11, 2013

The meeting was called to order at 5:30 p.m. by Chairperson Becky Williams. Board members present were: John Brown, Jason Decker, Jonathan Smith, and Becky Williams (4). Absent: Eric Nicely (1). Also present was Deputy Planning and Zoning Administrator Brody Walters.

Jonathan Smith moved to approve the minutes of the January 14, 2013 meeting as written. Mr. Decker seconded and they were unanimously approved.

ZONING VARIANCE 2-13, Pradeep Vij, President of Utopia Construction, Inc. requests a zoning exception and a variance to permit the construction of a single family residence. The subject property is located at 1558 N. Redhawk and is zoned R-3 (Single Family Residential) and has a prior Community Development Plan (CDP) which is an earlier version of the Planned Unit Development (PUD) overlay. The CDP was created to permit a zero lot line allowance to permit the construction of attached condos. This exception would permit the developer to construct separate single family residences with the less than required side yard setbacks of the R-3 Zoning district.

NOTE: *1230.01 Intensity and Dimensional Standards:*

R-3 Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

Min. Dwelling Size = 1,200 S.F.

1. The applicant is requesting a zoning exception to reduce the required side yard setback which would permit two single family residences (1 per lot) rather than a connected condominium that would span two lots. The exception would permit the minimum side yard to be 6 feet and the total of the two side yards approximately 12 feet, rather than the standard R-3 side yards of 8 feet minimum and 20 feet total.
2. The applicant is requesting a zoning variance to reduce the required rear yard setback which would permit the proposed residential structure to be located 11' from the rear property line.

****Recommendation:**

1. The Planning and Zoning staff recommends approval of the zoning exception based on the opinion that the character of the neighborhood would not be compromised and additionally the single family units would be a more preferable development.
2. The Planning and Zoning staff recommends approval of the zoning variance based on the fact that this plot plan is consistent with the existing homes in

the neighborhood and the property abuts a significant common open space which provides ample setback from properties to the rear. (Ch. 1275.02(c)(3) – B,C,D,E)

This recommendation is consistent with two previous BZA applications (#4-12 on 6-20-2012 and #11-12 on 7-18-2012) which were identical requests and were approved.

ZONING VARIANCE 3-13, Pradeep Vij, President of Utopia Construction, Inc. requests a zoning exception and a variance to permit the construction of a single family residence. The subject property is located at 1560 N. Redhawk and is zoned R-3 (Single Family Residential) and has a prior Community Development Plan (CDP) which is an earlier version of the Planned Unit Development (PUD) overlay. The CDP was created to permit a zero lot line allowance to permit the construction of attached condos. This exception would permit the developer to construct separate single family residences with the less than required side yard setbacks of the R-3 Zoning district.

NOTE: *1230.01 Intensity and Dimensional Standards:*

R-3 Zoning:

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1. The applicant is requesting a zoning exception to reduce the required side yard setback which would permit two single family residences (1 per lot) rather than a connected condominium that would span two lots. The exception would permit the minimum side yard to be 6 feet and the total of the two side yards approximately 12 feet, rather than the standard R-3 side yards of 8 feet minimum and 20 feet total.
2. The applicant is requesting a zoning variance to reduce the required rear yard setback which would permit the proposed residential structure to be located 11' from the rear property line.

****Recommendation:**

1. The Planning and Zoning staff recommends approval of the zoning exception based on the opinion that the character of the neighborhood would not be compromised and additionally the single family units would be a more preferable development.
2. The Planning and Zoning staff recommends approval of the zoning variance based on the fact that this plot plan is consistent with the existing homes in the neighborhood and the property abuts a significant common open space which provides ample setback from properties to the rear. (Ch. 1275.02(c)(3) – B,C,D,E)

This recommendation is consistent with two previous BZA applications (#4-12 on 6-20-2012 and #11-12 on 7-18-2012) which were identical requests and were approved.

Mr. Walters gave a summary of Zoning Variances 2-13 and 3-13. The Board considered the requests together since they were identical.

Mr. Smith asked if any comments were received from neighboring properties. Mr. Walters said that last June when the other variances were requested, a neighbor stated that they would prefer the adjoining condos because they felt it would provide a better noise buffer. No comments were received regarding these requests.

Mr. Smith made a motion to approve the Zoning Exceptions in 2-13 and 3-13. Mr. Decker seconded and it was unanimously approved.

The Board reviewed the criteria of Section 1275.02(c)(3) and agreed that B,C,D, and E were true. Mr. Smith made a motion to approve the Zoning Variances in 2-13 and 3-13. Mr. Decker seconded and it was unanimously approved.

ZONING EXCEPTION NO. 4-13 – John Sperry on behalf of Lock-it-up Self Storage requests one (1) exception of 12'6" which represents a 50% reduction in the required side yard setback of 25' to allow for the installation of an additional rental-storage building.

NOTE: *In accordance with Chapter 1230.01 Intensity and Dimensional Standards, the required side yard for areas zoned Light Industrial (I1) is 25' or 50' for combined side yard totals.*

1. The applicant is seeking a 12'6" side yard setback reduction in the form of an exception. (The BZA can grant a zoning exception of up to 12'6" which is 50% of the required side yard setback).

Recommendation:

It is recommended to approve the zoning exception of 12'6" to accommodate the proposed new storage building because it is an extension of an existing use and this same request was previously submitted as application #07-11 and approved on 6-15-2011.

Mr. Walters said the orientation of the building has changed since the 2011 application and the building is slightly larger than the building proposed in 2011.

John Sperry of Thomas DuBose and Associates was present to represent the applicant. He said they also requested a variance in 2008, and the reason for the delay is that the owner was required to add a large amount of landscaping, so the additional space in the building is to offset the cost of the landscaping.

Mr. Walters noted that landscaping and other site issues will be considered by the Planning Commission.

Mr. Decker moved to approve Zoning Exception 4-13. Mr. Smith seconded and it was unanimously approved.

There being no further business, Mr. Smith moved to adjourn at 5:48 p.m. Mr. Brown seconded and the meeting was adjourned.

Respectfully submitted,

Mary Jo Sutton