



## PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Meeting Date: April 16, 2020

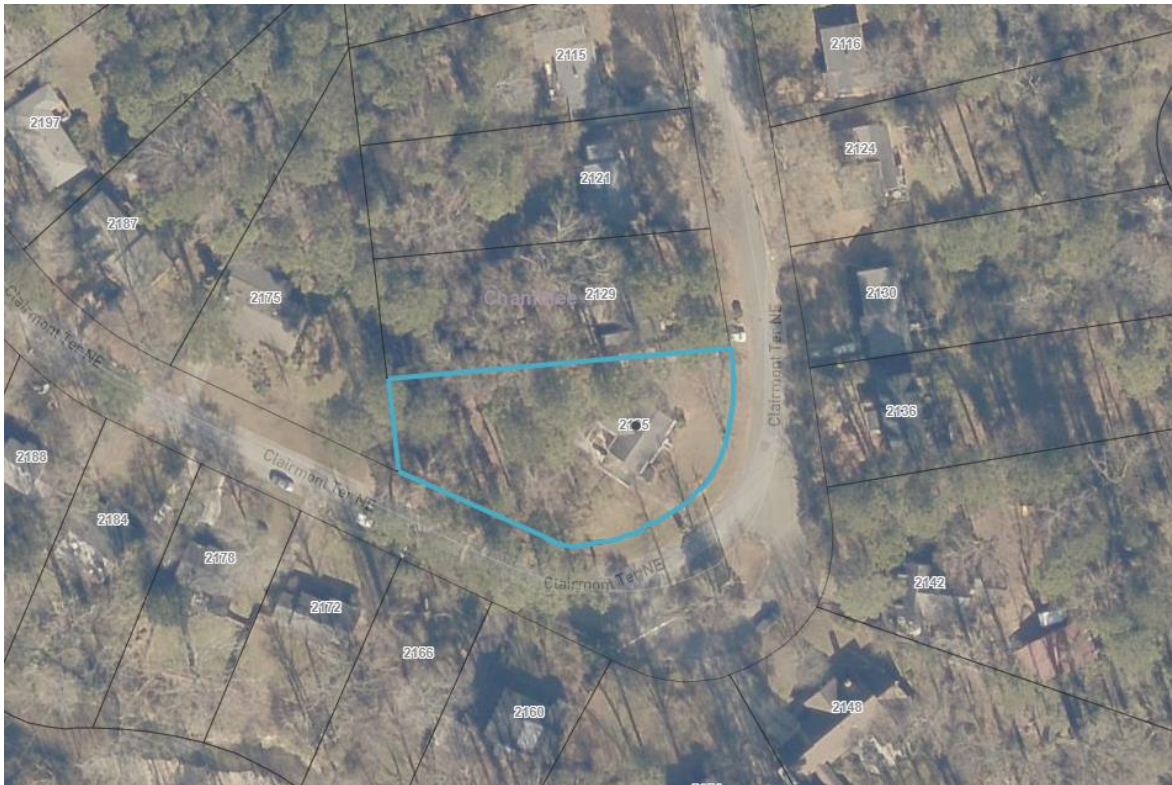
Item #: PZ2020-585

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### VARIANCE – 2135 Clairmont Terrace

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<b>Request:</b>	<b>Contextual front yard setback variance</b>
<b>Site Address:</b>	2135 Clairmont Terrace
<b>Parcel Number:</b>	18-204-03-013
<b>Applicant and Owner:</b>	Caleb Strickland
<b>Proposed Development:</b>	Split existing lot and construct a single-family detached home on the newly created vacant lot.
<b>Current Zoning:</b>	Neighborhood Residential 1 (NR-1) – This district is primarily intended for single-family residences and related accessory uses.
<b>Staff Recommendation:</b>	<b>Denial</b>



Case Number: PZ2020-585  
City Council Work Session (Public Hearing): 04/16/2020  
City Council Meeting: 04/21/2020

**Applicable UDO Standards:**

	<b>Required</b>	<b>Proposed</b>
<b>Front Yard Contextual Setback (min.)</b>	40' to 47.9'	21.2'

**Current Use:** Vacant portion of an existing single-family lot

**Surrounding Land Uses:** North, South East, and West – NR-1: Single-Family Residences. There is a vacant, undeveloped lot across the street to the south, which the applicant also owns, and which is entirely within a floodplain.

**Character Area and Future Land Use Map:**

The property is located within the Established Residential character area of the Character Area Map in the Comprehensive Plan. The vision of the character area is to: *“remain predominantly single-family residential areas of well-maintained housing supported by nearby commercial areas for goods and services, schools, and local parks for recreation.”* Land uses recommended for this area include: *“low and medium-density residential, neighborhood-level commercial retail, parks and recreation, public/ institutional uses; and utilities.”* The Future Land Use Map recommends low-density residential for the parcel. Recommended uses include: *“single-family detached and attached housing less than 6 units per acre.”*

**Site Description:**

The subject property is a 0.48-acre lot located on Clairmont Terrace. The lot is currently occupied by a one-story, 1,184-square-foot single-family residence. The southeast, portion of the property (where the new home is proposed) is partially located within a FEMA National Flood Zone.

**Description of Proposed Project:**

The applicant proposes to create a new vacant lot by splitting the existing lot that would accommodate a future 3,285 square foot single family home. According to the applicant, the newly created vacant lot and newly created lot where the existing house is located would meet code in regards to all requirements of the UDO, except that due to constraints created by the flood plain, the applicant would not be able to develop the vacant lot, as proposed, without a variance from the contextual front yard setback regulations. The required contextual front yard setback for the proposed new lot is minimum 40 feet from the front lot line to the wall of the house. Unenclosed porches and steps can encroach the front setback by six feet. The applicant is requesting a variance to encroach into the contextual front yard setback to build the new home 21.2 feet from the front lot line, and the front porch 18 feet from the front lot line. The applicant proposes to install the full streetscape along Clairmont Terrace along the frontage of the new lot, which is proposed to be developed, as required by code.

## History of the Property:

The applicant has been working with staff to subdivide the property for several months. However, staff is unable to approve subdivisions that result in unbuildable lots per the UDO. Therefore, the applicant has developed a site plan and building elevations of a proposed home for the potential lot which requires a contextual front yard setback. It is still unclear if the lot would be buildable due to the major environmental restraints on the site. If a permit cannot be issued any subdivision of the lot would be null and void.

The City's Public Works Department and on-call Stormwater Engineer were involved with stormwater issues at this property in the recent past. An e-mail from the on-call Stormwater Engineer is attached with additional details about the issues and concerns regarding the buildability of the proposed lot.

## Applicant's Request:

The applicant requests a **VARIANCE** from the following UDO regulation:

1. Variance from Section 230-3(b)(1) to reduce the contextual front yard setback from 40 feet to 21.1 feet (18.9 feet).

## Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance from the contextual front yard setback requirements. The analysis of these factors is included below:

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and**  
*Most of the rear of the property is located in the FEMA National Flood Zone. Because of this, it will be quite difficult for the applicant to construct the home within the required setbacks without encroaching into this flood zone.*
- b. The application of this UDO to the particular piece of property would create an unnecessary hardship; and**  
*The strict application of the zoning ordinance would not create an unnecessary hardship to this particular piece of property. The applicant currently owns the nearly half-acre lot and can use and enjoy the property as it is.*
- c. Such conditions are peculiar to the particular piece of property involved; and**  
*There are conditions that are peculiar to the particular piece of property involved. Specifically, the southeast, portion of the property is partially located within a FEMA National Flood Zone. Because of this, it will be difficult for the applicant to construct a home within the required setbacks. Many of the homes in this area are also located within this flood zone. However, this would be a newly created lot subdivided with the knowledge of the current flood zone information.*

**d. Such conditions are not the result of any actions of the property owner; or**

*Although the flood zone location is not the result of any actions of the property owner, subdividing the lot and constructing a home within feet from this flood zone area would be the result of the property owner.*

**e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**

*Relief from the contextual front yard setback requirements would be detrimental to the public good and would impair the purposes and intent of the zoning ordinance. The applicant is requesting this variance because most of the proposed lot is unbuildable area. The proposed house is shown being constructed at the current edge of the floodplain. Floodplain boundaries do, overtime, change, and the proposed location of the house puts it in a precarious situation.*

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **DENIAL** of the variance in application PZ2020-585.

Should Mayor and Council approve the variance request, staff recommends the following conditions of approval:

1. Development shall be in substantial conformance with the revised site plan received on March 16, 2020.
2. The front porch may be located no closer than 18 feet from the front lot line, in substantial conformity with the revised site plan received on March 16, 2020.
3. The applicant shall install in-ground stormwater management infrastructure to capture the runoff coming from the newly installed impervious surfaces on the newly created vacant lot before it enters the flood plain area or the existing storm sewer system, per review and approval by the Planning and Development Director.



## Site Visit



### Attachments:

Attachment 1 – Exhibit A: Site Plan labeled Received March 16, 2020

Attachment 2 – Application

Attachment 3 – Location Maps

Attachment 4 – E-mail from the City's on-call Stormwater Manager