

To: Zoning Board of Adjustment

From: Justin Wilkins, Building Official (BO)

PUBLIC HEARING: Consider an application requesting a variance to Unified Development Code (UDC) Section 8.11(4)(b)(1), to allow a 21-foot front yard setback in lieu of the required 25 feet, on approximately 0.1492-acres, legally described as Lot 4, Block 5 of Bursey Ranch Addition, zoned Single-Family 8,400 square-foot minimum lots (SF-8.4) and addressed as 2133 Rustic Ridge. Brad Walker, Owner/Applicant. (ZBA-24-0001)

Request:

The applicant is requesting a variance to allow a front yard setback of 21' in lieu of the 25' required setback in the SF-8.4 zoning district.

Background:

- Sometime between 2005 and 2007 (according to the city's historic aerial imagery) an addition was made to the home on the subject property that encroached the rear setback and exceeded the maximum allowable lot coverage for the primary dwelling unit. The addition was never reported to the city, so the home has existed as a legal non-conforming structure since then.
- July 27, 2023: Code Enforcement was made aware that work was recently done without a permit on the subject property
- Upon further research, staff determined the new addition, a 144 square-foot patio cover, was completed between February and December 2022. The patio cover encroaches the front setback by four feet.
- January 24, 2024: Applicant submitted a ZBA application.

Citizen Input:

On April 17, 2024, the City mailed out 47 Letters of Notification to the property owners within 200' of the subject property for this Public Hearing.

Staff has received one written response from a neighboring property, which is included in the ZBA agenda packet.

Summary:

Section 8.02 (C)(6) of the UDC states that when considering a variance request, the following Zoning Board of Adjustment shall Use the following criteria:

- 1) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
- 2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- 3) That the relief sought will not injure the permitted use of adjacent conforming

property; and

- 4) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

Authority of the Board:

Each case before the Board of Adjustment must be heard by at least seventy five percent (75%) of the Board members. The concurring vote of four (4) members of the Board is necessary to:

- 1) Approve as submitted
- 2) Approve with modified or additional condition(s)
- 3) Deny

Supporting Documents:

- Maps
- Staff Attachment - Application and information
- Staff Attachment - Staff Photos