REPORT TO THE BOARD OF ZONING APPEALS

DATE: November 19, 2026

SUBJECT: Case #262822 - 9943 Legends Drive - Side Yard Setback Variance

INTRODUCTION:

- Applicant and owner, Chris Lazarini, is requesting a Variance to allow a single-family dwelling to encroach 23 feet into the required 50-foot side yard setback.
- The 2.18-acre subject property is Lot 2 of The Legends Subdivision. It is located on the south side of Legends Drive, which is west of Houston Levee Road, north of Frank Road and south of Wolf River Boulevard. It is zoned R-L: Large Lot/Estate Residential and mostly surrounded by R-L zoning districts, with R-1 to the northeast in the Halle Plantation PD (see Exhibit 1).
- A Pre-Application Meeting was held on October 14, 2026, with the applicant.

BACKGROUND:

- The Legends Subdivision was created and platted in May of 2002. The property owners purchased the vacant lot in September 2026. The lot has remained undeveloped until now and there is no evidence there was ever a dwelling constructed on the property.
- Lot 2 has access to public water and sewer services.

KEY POINTS:

1. The R-L Zoning District is designed to provide suitable areas for large lot, low density residential development characterized by an open and country type appearance.

- The R-L district requires a minimum lot size of two (2) acres, and a minimum lot width of 250 feet.
- The R-L district requires the following yard setbacks:
  - Front: 60 feet
  - Side: 100 feet total with neither side less than 50 feet
  - Rear: 50 feet
- The proposed setbacks for the property are:
  - Front: 150 feet
  - East side: approximately 150 feet
  - West side: 27 feet
  - Rear: approximately 120 feet

2. The lot is 2.18 acres (approximately 94,960 square feet). The Legends Subdivision plat shows the lot is encumbered by a 78,491 square foot area reserved for stormwater detention (see Exhibit 5).

- The stormwater detention area runs along the northern (front) lot line and eastern (side) lot line, creating a large portion of the lot which is unbuildable.
- The lot has a platted 150-foot front setback, while all other lots in the Legends Subdivision have a 60-foot platted front setback (see Exhibit 5).
- The requested Variance would allow for a new primary structure, a single-family dwelling, to

encroach 23 feet into the setback on the westerly lot line (see Exhibit 6).

3. The topography includes an approximate 6-foot change in elevation around the perimeter of the retention pond, which lies approximately 12 feet from the northeastern corner of the platted building envelope (see Exhibit 7).

4. The Legends Community HOA Architectural Committee has approved the submitted plans with the house to be built with the 23-foot side setback variance (See Exhibit 8).

5. There are alternatives to the proposed placement of the accessory structure which could avoid the need for a variance, but would produce an atypically small dwelling for the neighborhood or one with an atypical building orientation.

- Rotating the house orientation by approximately 45 degrees, diagonally, from the street is an option; however, this would create the only home in the subdivision which is not oriented directly to the street and would reduce the size of the rear yard, potentially requiring the removal of several mature trees at the rear of the property.
- Moving the home further back and to the west is an option; however, the front façade of the house would no longer be "in line" with the front facade of the other houses on the south side of Legends Drive and would reduce the size of the rear yard, potentially requiring the removal of several mature trees at the rear of the property.
- Rezoning the property to the R-L1 district, which requires 25-foot side setbacks is an alternative; however, approval is unlikely when requested for a single lot.
- Reducing the size of the primary dwelling could potentially allow the structure to fit within the required setbacks; however, any changes must meet the private minimum square footage requirements for the subdivision, which is 4,000 square feet.

STAFF RECOMMENDATION: Staff recommends approval because the Standards for Variances (Exhibits 3 & 4) have been satisfactorily addressed, and the conditions of approval (Exhibit 2) will limit potential adverse impacts. This recommendation is based upon applicant's assertion the L-shaped retention pond and the elevation changes surrounding it are exceptional physical conditions creating an undue hardship, depriving the owners of reasonable use of the property.

ATTACHMENTS:
Exhibit 1 - Vicinity Map & Contact Information 11-2-26.pdf
Exhibit 2 - Conditions of Approval 11-9-26.pdf
Exhibit 3 - Applicant's Cover Letter 10-28-26.pdf
Exhibit 4 - BZA Standards for Variances 11-9-26.pdf
Exhibit 5 - Property Survey and Plat 11-5-26.pdf
Exhibit 6 - Proposed Site Plan 11-13-26.pdf
Exhibit 7 - Topography 11-13-26.pdf
Exhibit 8 - HOA Approval Letter 10-28-26.pdf
Exhibit 9 - The Legends Subdivision Original Plat 11-13-26.pdf

PROPOSED MOTION:
Approve a Variance to allow a single-family dwelling at 9943 Legends Drive to encroach into 23 feet into the required 50-foot side yard setback, subject to the conditions of approval in Exhibit 2.