

REPORT TO THE BOARD OF ZONING APPEALS

DATE: August 20, 2026

SUBJECT: Case # 261636 - 1319 Bridgepointe Drive - Request approval to allow an open-air covered patio to extend two feet into the required side yard

INTRODUCTION:

- James Kelley, on behalf of the property owner Brent Stone, is requesting a variance to allow an open-air covered patio/outdoor kitchen to extend two (2) feet into the required side yard setback.
- The property is located in the Braystone Subdivision and is zoned R-1: Low Density Residential.
- The Braystone Subdivision is not within a Planned Development (see Exhibit 1).

BACKGROUND:

- The property owner is proposing a 200-square-foot covered patio/outdoor kitchen addition off the southwest portion of the house. The setback requirement from the southern side lot line is 15 feet.
- The property owner is proposing a total encroachment of eight (8) feet into the 15-foot side yard setback (see Exhibit 4).
- Unenclosed covered patios and porches are allowed to encroach up to six (6) feet into a setback requirement, which is why the property owner is requesting a variance to encroach the additional two (2) feet.
- The project also includes a 473-square foot patio addition off the rear of the house and an inground swimming pool.
- The applicant provided two (2) letters of support from the Homeowner's Association and the adjacent neighbor to the south (see Exhibit 5).

KEY POINTS:

1. Section 151.005 (E) (4) of the Town Code allows patios to encroach up to six (6) feet into a setback requirement but in no case should a porch be permitted closer than 3.5 feet from a property line.

- Patios encroaching into the required setback cannot be enclosed with walls and cannot be closer than 3.5 feet from the lot line.
- The proposed patio is not enclosed and will be seven (7) feet from the side lot line.
- The home's existing roof line will be extended to cover the proposed patio (see Exhibit 4).

2. The applicant's cover letter states the lot's narrow width and the 45-degree angle of the house in relation to the side lot line create a hardship restricting the usable space in the side yard (see Exhibit 3).

- The lot is 100 feet wide and 150 feet deep.
- The dwelling has a small wing along the southern side lot line, instead of running parallel to the lot line, it was constructed at a 45-degree angle. The applicant proposes to construct the 200 square foot covered patio along this portion of the house.
- The applicant states the importance of maintaining six (6) feet of distance between the countertop where the sink and cooker will be located and the bar top; a narrower distance would make the

outdoor kitchen less functional.

- If this wing were to have been constructed at a 90-degree angle, the applicant would be able to construct the proposed patio without needing a variance.
- The cover letter also states reducing the size of the seating area in the patio would eliminate the need for the variance.

3. There are alternatives to having a portion of the patio encroach further into the side yard setback than the code allows.

- The proposed patio is approximately 11 feet deep by 18 feet in width. Reducing the width of patio by a few feet would eliminate the need for the variance.
- The depth would not need to be altered, allowing the applicant to maintain the desired distance of six (6) feet between the countertop and the bar top.
- Open-air arbors are permitted within required setbacks. If a portion of the patio covering was converted to an arbor open to the sky, a variance would not be needed.

STAFF RECOMMENDATION: Staff recommends denial of the variance request because the Standards for Variances (see Exhibit 6) have not been met. Staff has not found a hardship or practical difficulty depriving the owner of reasonable use of the land.

ATTACHMENTS:

[Exhibit 1: Vicinity Map 8-11-2026](#)

[Exhibit 2: Conditions of Approval 8-11-2026](#)

[Exhibit 3: Applicant's Cover Letter 7-29-2026](#)

[Exhibit 4: Site Plan and Elevations 6-12-2026](#)

[Exhibit 5: Letters of Support 7-29-2026](#)

[Exhibit 6: Standards for Variances Test 8-11-2026](#)

PROPOSED MOTION:

(BASED ON APPLICANT'S REQUEST): To approve the request of a variance to allow an open-air patio to extend two (2) feet into the required side yard.