

Memorandum

TO: Planning Commission
FROM: Allison Eddins , Senior planner
DATE: March 25, 2025
SUBJECT: Residential Design Review and Variances- 366 N. Owasso Blvd. - John Mezzenga
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To approve the residential design review for the construction of a new home on the substandard riparian lot located at 366 N. Owasso Blvd and to adopt Resolution No. 25-26 approving a variance to increase the front yard setback requirement from 44.8 feet (+/- 10 feet) to 64.2 feet and a variance to decrease the ordinary high water setback requirement from 80.4 feet (+/- 10 feet) to 52.6 feet subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review and variance applications, with the exception of the attached garage. Any significant changes to these plans, other than the reduction of the attached garage, as determined by city staff, will require review and approval by the Planning Commission.
2. The attached garage shall not exceed 1,000 square feet. Plans that show a garage that does not exceed this restriction shall be submitted with the building permit application.
3. A tree replacement escrow shall be paid prior to issuance of a grading or building permit.
4. This approval will expire after one year if a building permit has not been issued and construction commenced.
5. A Shoreland Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
6. This approval is subject to a 5-day appeal period.

This action is based on the following findings of fact:

1. Practical difficulty is present as stated in Resolution 25-26.
2. The project as presented, with the exception of the size of the attached garage, meets the design requirements for R1 zoning district and the Shoreland Overlay District.

INTRODUCTION

The applicant and property owner, John Mezzenga, has submitted a residential design review and variance applications for his lot at 366 N. Owasso Blvd. Mr. Mezzenga intends to remove the existing home that was built in 1959 and construct a new two-story walkout with an attached garage.

The subject lot, as well as the four surrounding lots, gains access to N. Owasso Blvd from a private road easement. The lack of frontage of a publicly owned or maintained right-of-way makes the lot substandard. [Section 115.155](#) states that construction on a substandard riparian lot requires residential design review approval from the planning commission.

[Section 111.22](#) requires newly constructed dwelling units on non conforming lots to have a front yard setback that is equal to the average setback of the immediately adjacent dwelling units, plus or minus 10 feet if the adjacent setbacks exceed 40 feet. Typically, a lot only has two immediately adjacent dwelling units that staff uses to calculate the new dwelling's required setback however, the subject lot has five immediately adjacent dwellings. Similarly, [Section 115.149](#) requires new construction to have an ordinary high water setback that is equal to the average of the adjacent dwelling units, plus or minus 10 feet. In this case, the subject lot has four immediately adjacent lake lots, not the usual two.

The subject property also has a 20-foot wide private road easement that is platted within the front yard. The physical road is not developed within the boundaries of the easement. The eastern edge of the physical road is roughly 40 feet from the front lot line.

The applicant is requesting a variance to increase the front yard setback requirement to 64.2 feet to allow for the new home to be constructed further away from the private road. The applicant is also requesting a variance to decrease the ordinary high water setback to 52.6 feet.

DISCUSSION

Project Description

The subject property is 28, 313 square feet, zoned R1, Detached Residential and is located on the west side of Lake Owasso. The existing home and deck will be removed. The existing deck is encroaching into the 50 foot minimum required lakeside setback. Removal of the nonconforming deck will help the applicant meet the shoreland mitigation requirements in [Section 115.156](#). The new house will be a two-story walkout with an attached garage and rear yard deck. The primary exterior building material will be cream/beige woodgrain lap siding. The material and color proposed will also help the applicant meet the shoreland mitigation requirements.

The house plans, as currently proposed, show an attached garage that is 1,275 square feet. The maximum size allowed for an attached garage in the R1 zoning district is 1,000 square feet. The applicant and his draftsman are aware of this requirement and have plans to expand the laundry area to reduce the garage to 987 square feet.

The project includes a proposal to relocated the existing driveway. City staff is recommending that the new driveway connect to the private road at a 90 degree angle. The Fire Marshal has no concerns with the project.

Residential Design Review for Substandard Lots

[Section 103.5](#) states that unless a variance is approved, the planning commission may grant

approval of the design review only when the proposed improvements comply with the applicable design standards and those design standards are summarized in the table below. Design standards in **bold** require a variance.

Design Standard	Allowed	Proposed
Lot Coverage	8,493 sq. ft. (30%)	8,009 sq. ft. (28.3%)*
Foundation Area	5,069 sq. ft. (18%)	3,975 sq. ft. (14%)
Building Height	35 feet	34.5 feet
Setbacks	Front - 44.8 feet (+/- 10 feet) OHW - 80.4 feet (+/- 10 feet) Sides - 10 feet	Front - 64.2 feet OHW - 52.6 feet Sides - 33.4 feet (N) and 35.7 feet (S)

* Per Section 115.55, a maximum impervious surface coverage of 30 percent may be permitted if there are no structures (except for docks, stairways, lifts, landings, retaining walls, and fences) in the required setbacks from the ordinary high water. If the applicant wishes to have a future structure such as a patio or boar house, they would need to comply with the 25 percent impervious surface requirement.

Variance Requests

When considering a variance request, the planning commission must determine whether meeting the code requirements causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the code. [Section 103.163](#) defines practical difficulty as:

- Reasonable manner. The property owner proposes to use the property in a reasonable manner not permitted by the city development regulations.
- Unique circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
- Character of the neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Applicant's Statement

Mr. Mezzenga states that the shared private road that is used by four of the adjacent neighbors creates a practical difficulty for his property. The easement and the physical road run through the front yard of his property creating the need for a larger front yard setback. The front yard setbacks of the adjacent properties range from 9.4 feet to 82.3 feet. The proposed front yard setback of 64.2 feet would not be out of character for the neighborhood. The larger front yard setback is creating the need for the OHW setback variance.

Staff Review

Residential Design Review - Staff has reviewed the proposal in accordance with the standards specified for the R1 zoning district and substandard riparian lots. The proposal, with the exception of the garage that must be reduced by 275 square feet, meets the code requirements. After speaking with the applicant, staff is confident that the garage size reduction can be accomplished with the intended expansion of the laundry room area.

Variance Requests - Staff has reviewed the requests in accordance with the criteria in [Section](#)

103.163 and determined that practical difficulty does exist for both of the variance requests. There are unique circumstances that exist on this property that make meeting the front yard setback and OHW setback a practical difficulty for the property owner.

The first unique circumstance is the private road easement in the front yard. The easement is 20 feet wide but the actual road was constructed outside of the boundaries of the easement. The first 40 feet of the front yard is encumbered by easement and private road. Meeting the front yard setback requirement of 44.8 feet (+/- 10 feet) would be a practical difficulty.

The second unique circumstance is the number of adjacent dwellings that have to be taken in consideration when calculating the required setbacks and the range of setbacks that each of the lots have. A typical lot has two adjacent dwellings. The subject lot has five adjacent dwellings that needed to be considered when calculating the front yard setback requirement. The five dwellings have front yard setbacks that range from 9.4 feet to 82.3 feet, and four adjacent dwellings needed to be used to calculate the ordinary high water setback and those ranged from 47.3 feet to 168 feet.

The applicant's proposed setbacks of 64.2 feet from the front lot line and 52.6 feet from the ordinary high water line in order to construct a new dwelling is a reasonable use of the property and would be in keeping with the character of neighborhood such as it is.

Shoreland Mitigation

In accordance with Section 115.156, a shoreland mitigation plan must be submitted for residential development that requires land use approval, including residential design review. A shoreland mitigation plan must include at least two of the following practices: establish a vegetation protection area, establish a vegetation restoration area, the use of natural color and materials on the exterior of the structures (architectural mass), removal of nonconforming structures and reduction of impervious surface coverage.

The applicant submitted a shoreland mitigation plan and intends to meet the requirements through the use of natural colors and materials and the removal of the nonconforming deck.

Public Comment

Property owners within 150 feet were notified of the applicant's request. Staff received one phone call from a neighbor who is in favor of the project.

RECOMMENDATION

Staff has reviewed the proposed project and has found it to be generally compliant with the requirements in Sections 107 and 115 as well as Section 103.163. Staff is recommending that the planning commission approve the residential design review and variance requests for the construction of a new home on the lot located at 366 N. Owasso Blvd subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review and variance applications, with the exception of the attached garage. Any significant changes to these plans, other than the reduction of the attached garage, as determined by city staff, will require review and approval by the Planning Commission.
2. The attached garage shall not exceed 1,000 square feet. Plans that show a garage that does not exceed this restriction shall be submitted with the building permit application.
3. A tree replacement escrow shall be paid prior to issuance of a grading or building permit.
4. This approval will expire after one year if a building permit has not been issued and construction commenced.
5. A Shoreland Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
6. This approval is subject to a 5-day appeal period.

This action is based on the following findings of fact:

1. Practical difficulty is present as stated in Resolution 25-26.
2. The project as presented, with the exception of the size of the attached garage, meets the design requirements for R1 zoning district and the Shoreland Overlay District.

ATTACHMENTS

[Location Map](#)

[Application Materials](#)

[Agency Comments](#)

[Resolution 25-26](#)