Board of Adjustment

AGENDA ITEM REPORT

D.1

To: Board of Adjustment

Subject: Hold a public hearing, discuss, consider, and act upon a request for a variance to Section 3.05.03 of the Unified Development Ordinance (UDO) to allow for variances to the Residential Zoning District Dimensional Regulations Chart, related to the required rear yard setback for a building on the property located at 629 St. James Allee which is zoned Single Family 1 (SF-1). **Case 1856-ZBA/629 St. James Allee Building Setback Variance**.

Meeting: Board of Adjustment - September 2, 2025

Department: Development Services

Staff Contact: Laura Evans

SUGGESTED ACTION:

For the reasons explained in the background memo, Staff recommends denial of the variance request.

BACKGROUND INFORMATION:

The property subject to this request is located at 629 St. James Allee and is zoned Single Family 1 (SF-1) residential zoning district. The lot is part of St. James Park Subdivision and is currently undeveloped. The site has access from St. James Allee, and the lot is approximately 2 acres in size.

The property faces St. James Allee and follows the SF-1 zoning district dimensional standards. The following minimum setback requirements apply:

Single-Family 1 (SF-1)	Minimum UDO Requirement
Front yard setback	80 Feet
Side yard setback	50 Feet
Rear yard setback	120 Feet

The applicant has plans to construct a 6,100 square foot house with three attached garages which total 7,370 square feet. The total covered square footage for the house, including garages, patios, etc. is 14,800 square feet. The maximum lot coverage for SF-1 zoning is 25%, which would be 21,780 square feet. The proposed structure is under the allowed lot coverage maximum.

Because the garage is attached to the main structure, as shown on the plans, it must meet the setback requirements of the Single Family 1 (SF-1) zoning district, which are shown in the above table. There are three proposed garages – two typical 2-car garages, and one large garage. The proposed large garage extends into the required rear yard setback by approximately 30 feet. Approximately 1,482 square feet of the garage encroaches into the required rear setback.

The property owner is requesting a variance from the minimum rear yard setback.

The UDO states that the Zoning Board of Adjustment may authorize variance from zoning ordinance requirements when, due to special conditions, an undue hardship will result from requiring literal application of the zoning regulation. The following are listed criteria for zoning variance approval:

1. *Unique Circumstances* - That there are special circumstances or conditions affecting the land involved such that the application of the typical zoning regulations would deprive the applicant of the reasonable use of their land.
2. *Minimum necessary Relief Required to Alleviate the Undue Hardship* - That the zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
3. *Preservation of Property Rights* - That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
4. *No substantial Detriment to the Public Good* - That the granting of the zoning variance will not be detrimental to the public health, safety, or welfare, impair the purposes and intent of the typical zoning regulations and the Comprehensive Plan or be injurious to other properties within the area.
5. *Orderly Use of Land* - That granting will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the zoning regulations.
6. *Precedent* - That the granting of an individual zoning variance will not set a precedent.
7. *Finding of Undue Hardship* - That an undue hardship exists, using the following criteria:
    1. That literal enforcement of the controls will create an undue hardship or practical difficulty in development of the affected property; and
    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; and
    3. That the relief sought will not injure the permitted use of adjacent conforming property; and
    4. That the granting of a zoning variance will be in harmony with the spirit and

purpose of these regulations.

5. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.
6. Under any circumstances, if the property can reasonably be developed or used meeting the requirements of the zoning district in which the property is located, the ZBA shall not grant a variance.

In reviewing the criteria in the context of this variance request, it is important to apply them to the property as it exists today to determine if unique circumstances warrant granting the requested variance from the required minimum setback. The request in question does not qualify for any unique property hardship as the applicant can feasibly construct the garage meeting the UDO requirements. Therefore, staff is of the opinion that this variance request should not be approved.

PUBLIC NOTICE:

Six letters were sent to neighboring property owners within 200 feet of the subject property. The Town has not received any responses for the variance request.

ATTACHMENTS:

Map
Plans