

Legislation Text

File #: BOA Reso 08-2019, **Version:** 1

Agenda Date: 06/20/2019

Subject:

Case # VAR19-0006, variances for a property located at 5521 S. Nevada Street to allow two single-family houses on a single lot and to reduce rear and side setbacks for a principal structure

Presented By: Karl Onsager, Planner I

REQUESTED BOARD ACTION:

The applicant / property owner, Tyler Hardy, requests the following related variances to allow a new carriage house on his property located at 5521 S. Nevada Street: 1) a variance to requirements for the maximum number of principal structures to allow two single-family detached principal structures on a single lot of record; 2) a variance to the rear yard setback requirement from 20 feet to eight feet; and 3) a variance to the south side yard setback requirement from ten feet to four feet (attached to the resolution as Exhibit A). In the event the three requests are denied, a variance to the driveway requirement for an accessory detached garage from 20 feet to 8 feet (attached to the resolution as Exhibit B).

CRITERIA & STAFF ANALYSIS:

Section 10-11-1(B) gives the Board authority to grant variances where “due to exceptional and extraordinary circumstances of this Title will result in unnecessary hardship”. No variance can be approved unless the Board finds that all five of the criteria stated have been met. In staff’s opinion, the proposed variances related to the carriage house do not meet all five criteria. In staff’s opinion, the reduction to the driveway requirement does meet all five criteria.

OPTIONS/ALTERNATIVES:

The Board of Adjustment may take the following actions on the application: approve; approve with conditions; continue to a date certain; or deny. A sample motion is provided for each option along with suggested findings.

STAFF RECOMMENDATION:

The three variance requests are interrelated. Staff recommends approval of BOA Resolution 08-2019 with Exhibit B approving the requested reduction in driveway requirement to 10 feet for this property.

PROPOSED MOTION:

Motion to Approve and/if necessary, with Conditions

I move to approve BOA Resolution 08-2019 with Exhibit A, concerning three variance requests. Three variances: 1) a variance to requirements for the maximum number of principal structures to allow two single-family detached principal structures on a single lot of record; 2) a variance to the rear yard setback requirement from 20 feet to eight feet; and 3) a variance to the south side yard setback requirement from ten feet to four feet for the property at 5521 S. Nevada St., *subject to the following condition(s):*

- 1.
- 2.

Approval of this application is based on the finding that the variance meets the considerations for reasonable accommodation established in Section 10-11-1(B) of the Littleton City Code.

OR

I move to approve BOA Resolution 08-2019 with Exhibit B, concerning the variance to the driveway requirement for an accessory detached garage from 20 feet to 10 feet for the property at 5521 S. Nevada St., *subject to the following condition(s):*

- 1.
- 2.

Approval of this application is based on the finding that the variance meets the considerations for reasonable accommodation established in Section 10-11-1(B) of the Littleton City Code.

Motion to Continue to a Date Certain

I move to continue the public hearing on BOA Resolution 08-2019, concerning 5521 S. Nevada St., to _____ (insert date) in order to _____.

Motion to Deny

I move to deny BOA Resolution number 08-2019, concerning all variance requests for the property located at 5521 S. Nevada Street with the following findings of fact:

1. The proposed variances alter the essential character of the neighborhood and zone district in which the property is located;
2. The proposed variances are not the minimum to afford relief and are not the least possible modification to the provisions in question; and
3. That the hardship is created by the owner of the property in question.