

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/c (Residential/conditions) zone.

This would permit an existing 17' by 17' patio, located to within 6' of the rear property line, of which a 14' by 4.14' portion is encroaching more than the 180 square feet of permitted open porch in a rear yard.

The required front and rear yard cumulative setback total is 45 feet in the R-3A zone district.

BACKGROUND

The applicant is requesting to legalize a 4.5' wide by 14' deep (63 sq. ft.) portion of a patio that is larger than the 180 square feet of open patio that is permitted to encroach in the required rear yard setback. The staff has received several inquiries from neighbors about the request.

CALCULATIONS

1/3 average lot width = 16.66' (50' ÷ 3)

Required rear yard setback = 20'

Requested rear yard setback = 6'

STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception, with the condition that the 17' by 17' patio shall never be enclosed.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

“Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit.”