

Applicants request a Special Exception under Section 2.16.050 L (Front and Rear Yard Setbacks) in an R-2 (Residential zone).

This would permit an existing residential structure that is encroaching 0.2' into the required front yard setback and that is located to within 29.8' of the front property line. This would also permit an existing encroachment of 7.8' into the required rear yard setback, located to within 22.2' of the rear property line.

The required front and rear yard cumulative setback total is 60 feet in the R-2 zone district.

BACKGROUND

The applicants were in the process of selling their house and discovered that it is encroaching into the required rear yard setback. The applicants state that they were unaware that enclosed porch was encroaching and that the enclosed porch existed when they purchased the house in 2002. The 1986 aerial shows an encroachment into the rear yard. There is no record of when the porch was enclosed; however, there is a record of Building Permit 94-18887 that was issued in August 1994 for "repair of existing enclosed porch, new exterior walls, siding, sheetrock, new roofing material, new concrete walk." This is an indication that an enclosed porch existed at least 15 years ago. Staff notes that there is an accessory structure located at the westerly side property line. The applicant states that it houses the pool equipment.

CALCULATIONS

Required front and rear yard cumulative total setback = 60'

Requested front yard setback = 29.8'

Requested rear yard setback = 22.2'

STAFF RECOMMENDATION

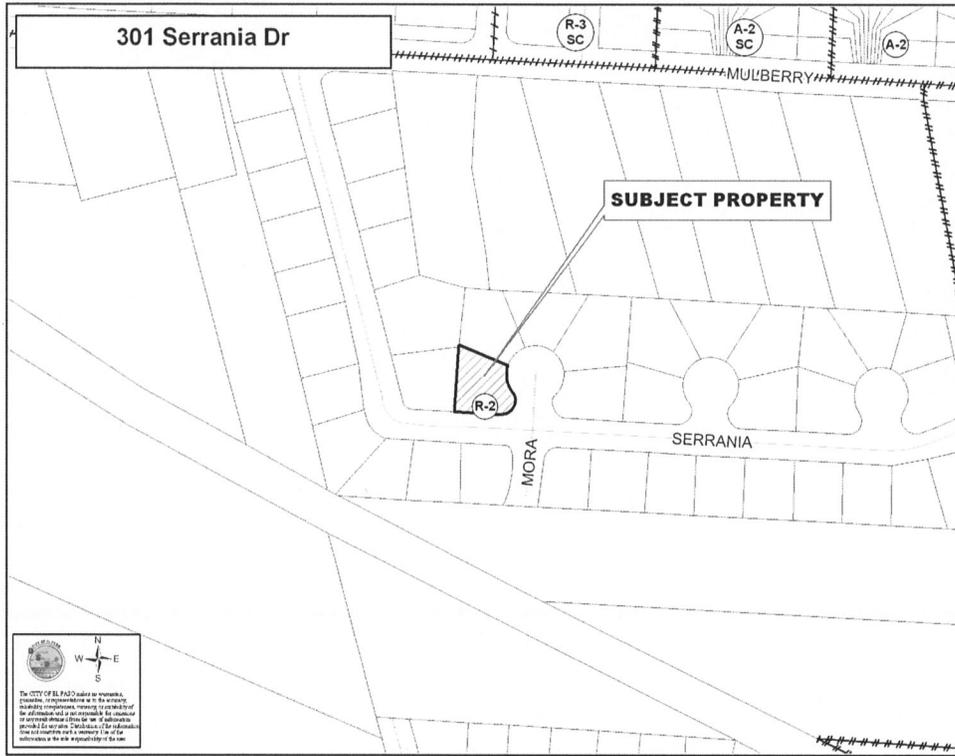
Staff recommends approval of the request as it meets the requirements of the Special Exception, with the condition that the rock wall abutting the accessory structure be raised to a height matching the height and width of the accessory structure.

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

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code."

ZONING MAP



NOTIFICATION MAP

