

## AGENDA ITEM 12-06

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rick Davis, CB Jeni Homes, LLC for a Variance to the Minimum Side Yard Setback at the Corner for the Property Located at 5100 Fort Buckner.

**MEETING DATE:** July 25, 2012

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Garry Adams, Asst. Building Official

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**ZONING:** PD – Regional Employment Center Overlay District, Neighborhood Zone

**EXISTING CONDITIONS:** None

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
15' side yard setback	14.2'	.8' (9.6")

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a town home 9.6" past the building line.

**PUBLIC SUPPORT/OPPOSITION FOR REQUEST:**

To date, no letters of support and no letters of opposition have been submitted.

**BOARD AUTHORITY:**

The Board has authority to authorize a variance from the terms of the Zoning Ordinance as will not be contrary to the public interest if the literal enforcement of the Zoning Ordinance would result in unnecessary hardship due to special conditions unique to the property so that the spirit of the Zoning Ordinance is observed and substantial justice done. The Zoning Ordinance provides additional requirement for "yard variances" and "building or structure variances" that must also be met by an applicant seeking a variance in addition to the requirements set out hereinabove.

In addition to the general requirements set forth above the following requirements must also be met for a variance of the type identified below:

**Yard Requirements** The Board has the authority to permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions.

**STAFF RECOMMENDATION:**

Due to the shape of the corner lot, staff recommends granting the variance as requested.

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map  
Site Plan

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**Action:            APPROVED                    DENIED                    TABLED**