5 White Ave.

Section 7-11-2(j)(3)

Flag Lots

Summary Statement

Summary Statement:

The applicant, Lindsey Hamer, is requesting a variance to the flagpole width standards in **Section 7-11-2(j)(3) Flag lots** of the Unified Development Ordinance ("UDO"). The applicant is seeking relief from the required width of the flagpole portion of the lot measured at the street and for the duration of the flagpole. The new flag lot would contain the existing residence on the lot, and a conforming, standard RS-8 lot would be created on the street side of the existing home.

Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
RS-8	The minimum width of the flagpole portion of the lot shall be 20 feet.	To reduce the minimum width of the flagpole to 19 feet.	This would be a 5% variance.

Code Section 7-6-1(b)(4)

In no event shall the board of adjustment grant a variance which would permit the creation of a non- conforming lot except that the board may grant a variance permitting a reduction in lot area and dimensional standards, for an individual lot located in residential districts, provided that the variance does not permit a reduction of greater than ten percent in the required lot area and dimensional standards. Provided further, applications for such variance for additional lot(s) under common ownership or located within the same development shall not be submitted within three years of submittal of the previous application, regardless of the decision of the board on the previous application.

Code Section 7-6-1(b)(4)

The Board is only permitted to grant a variance that would allow the creation of a nonconforming residential lot if that variance is for less than 10% of the relevant dimensional standard.

The requested variance is for a reduction in the residential lot dimensional standards under the 10% threshold noted above (19 feet = 5% reduction from 20-feet standard).

FINDINGS:

In order for the Board of Adjustment to grant this variance request, the following findings of fact must be made:

1) Unnecessary hardship would result from the strict application of the ordinance.

2) The hardship results from the conditions that are peculiar to the property, such as location, size, or topography.

3) The hardship did not result from actions taken by the applicant or the property owner.

4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Exhibit A - Area Context



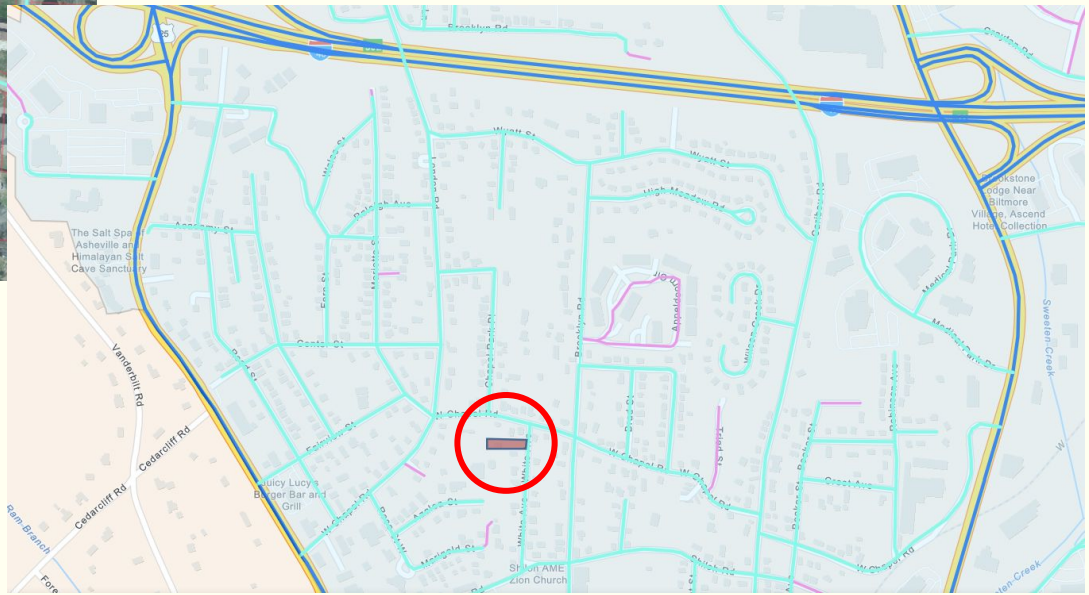


Exhibit A - Continued



RS-8
Residential Single Family - High Density

Exhibit B - Survey



Exhibit C - Site Photos





Exhibit C - Site Photos



Background:

The subject property is a 0.33 acre residential lot, currently zoned RS-8 Residential Single-Family High Density District. It is surrounded by residential lots. All adjacent lots contain a single family home. The lot to the South and the 3 lots to the North each contain a single-family residence with no notable accessory structures. The lot to the West contains two residences. The existing primary structure on the subject property is a 1-story conventional home with a footprint of approximately 1,100 s.f. built in 1920.

The applicant seeks to subdivide the existing lot into 1 flag lot and 1 lot that conforms to RS-8 standards. The applicant is seeking a variance from the members of the Board of Adjustment in order to complete these items.

Review, Analysis & Considerations:

- The existing lot's total road frontage is 59 s.f.
- The minimum width for the flagpole portion of a newly-created lot is 20', and the minimum width at the street for a standard lot in RS-8 is 40'.
- The proposed subdivision would site the existing home on the newly-created flag lot, and leave a conforming RS-8 lot at the front open to future development.
- The proposed flag lot would adhere to all other standards for both flag lots and those RS-8 standards which are applicable to flag lots.

FINDINGS:

In order for the Board of Adjustment to grant this variance request, the following findings of fact must be made:

1) Unnecessary hardship would result from the strict application of the ordinance.

2) The hardship results from the conditions that are peculiar to the property, such as location, size, or topography.

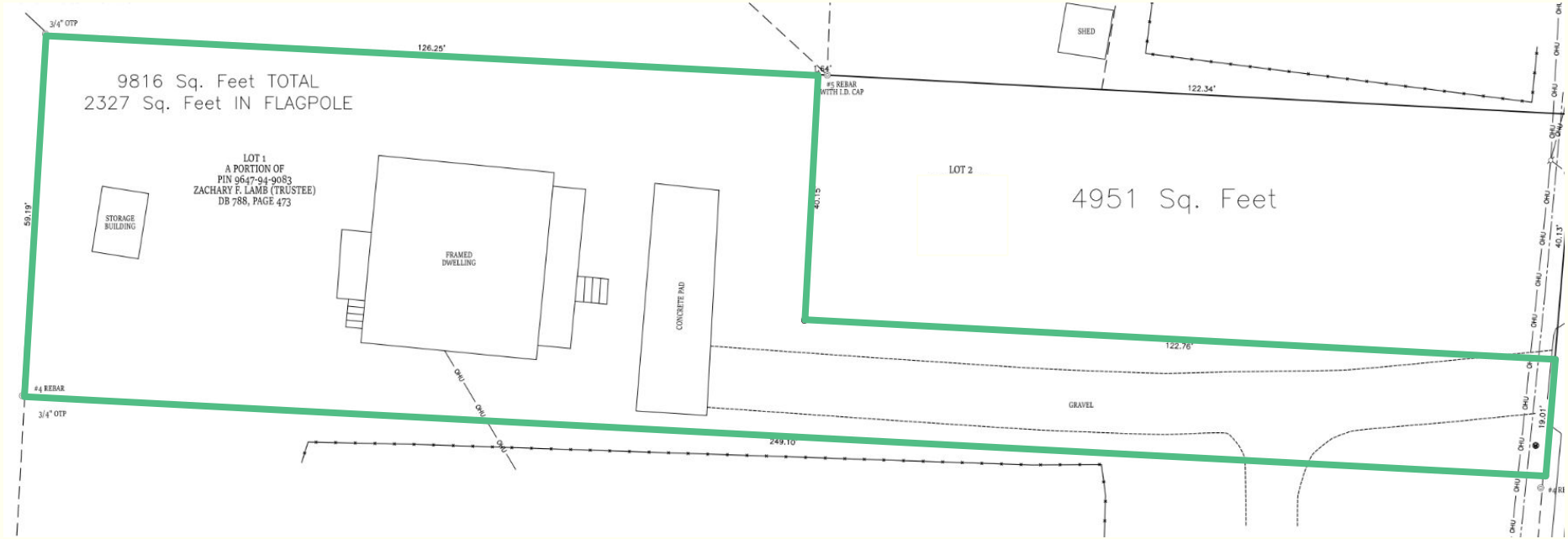
3) The hardship did not result from actions taken by the applicant or the property owner.

4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The Hardship cannot have resulted from actions taken by the applicant or the property owner

Legal limitations that are self-imposed--that is, they resulted from some action the Owner/Applicant took and not from a condition peculiar to the property--are considered self-created.

Proposed Subdivision



Summary Statement

Summary Statement:

The applicant, Lindsey Hamer, is requesting a variance to the flagpole width standards in **Section 7-11-2(j)(3) Flag lots** of the Unified Development Ordinance ("UDO"). The applicant is seeking relief from the required width of the flagpole portion of the lot measured at the street and for the duration of the flagpole. The new flag lot would contain the existing residence on the lot, and a conforming, standard RS-8 lot would be created on the street side of the existing home.

Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
RS-8	The minimum width of the flagpole portion of the lot shall be 20 feet.	To reduce the minimum width of the flagpole to 19 feet.	This would be a 5% variance.