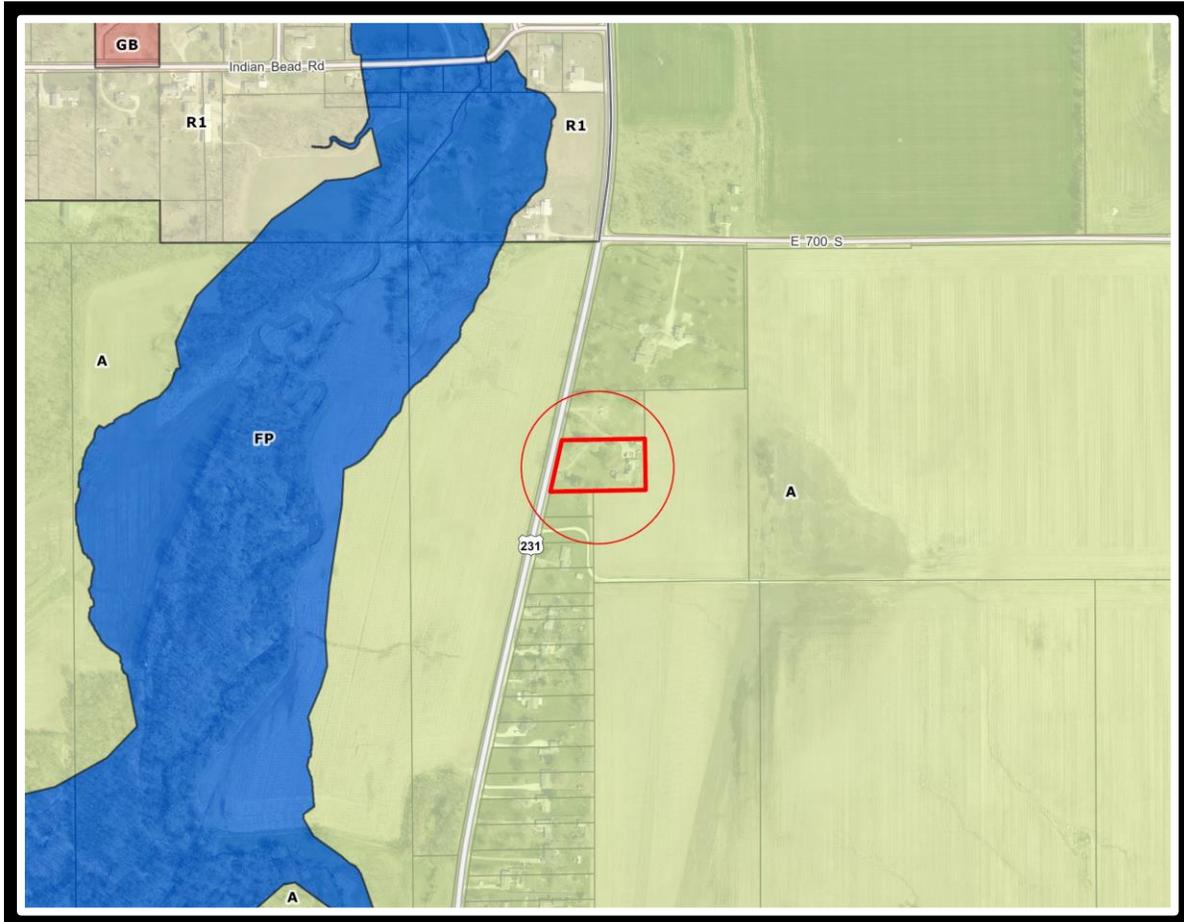

BZA-2067
SCOTT AND LORI WILLIAMS
(variance)

STAFF REPORT
January 20, 2022



90° 00' 00" W 267.56'

6' BSL

S 2° 30' 00"

Capped Rebar Set (CR)

6' BSL

ert W. & Norma J. Amslutz

and is sloping down from east lot line to US 23.
ation difference is 10'±.

Richard K.
4670 Whipp
Lafayette, La
DR 80 p. 1

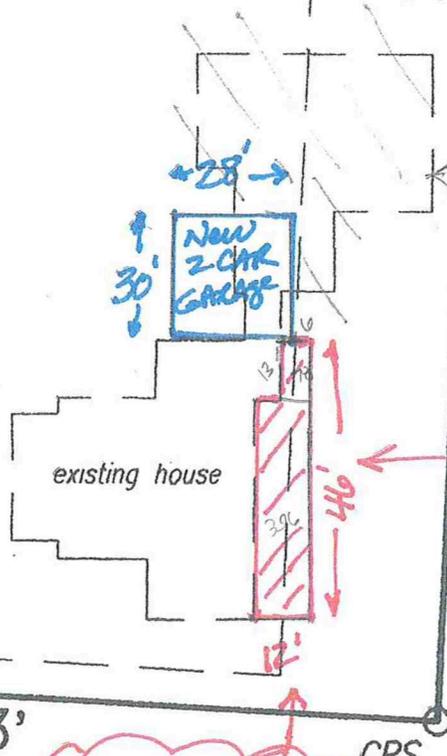
25' BSL

200.75'

Lot 1

1.256 Acres

EXISTING
GARAGE
+ Shed
STRUCTURES
TO BE
Demolished
+ Removed



New
Deck + Roof
STRUCTURE

SCALE
1" = 30'

6' +/- over the
Building SET BACK LINE

BZA-2067
SCOTT AND LORI WILLIAMS
Variance

Staff Report
January 20, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners are requesting to reduce a rear setback not along street frontage to 19' from the minimum required 25' for the construction of a new deck with a roofed structure in an A zone. The property is located at 7131 US Hwy 231 S, Wea 32 (NW) 22-4 (UZO 2-24-8).

AREA ZONING PATTERNS:

The subject lot is zoned A, Agricultural, as is all surrounding property. Flood Plain zoning associated with Little Wea Creek is to the west and R1 zoning is in place farther to the north across US Hwy 231.

AREA LAND USE PATTERNS:

The subject lot in question currently has a two-story, single-family home, a barn and a gazebo and is located on Lot 1 of Amstutz Subdivision, a two-lot subdivision. Bordering to the north and south are additional single-family homes. The rest of the immediate surrounding areas is undeveloped agricultural land.

TRAFFIC AND TRANSPORTATION:

US Hwy 231 is classified as a primary arterial per the *Thoroughfare Plan*. The driveway will remain as is and provides well over the required 2 parking spaces for a single-family home in an A zone.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Septic and well serve the lot per the County Health Department. No complaints of failure to function have been filed.

STAFF COMMENTS:

The existing house footprint is approximately 2,100 sq. ft in size and the total area of the lot is 54,711 sq. ft. Currently, the footprint of the single-family house and gazebo meet all setback requirements. The footprint of the existing attached garage, however, does not meet the required rear setback of 25'. Petitioners have presented proposed improvements and expressed the desire to bring the property more into conformance with the county's UZO. Petitioners plan to remove the existing attached garage and instead construct a new 28' x 30' 2-car attached garage that will meet the rear setback of 25'. However, a part of the proposed improvements that extends into the 25' rear setback, by about 6', is the proposed deck and roofed structure, thus the need for the variance.

Staff believes petitioners' desire for a larger deck and roofed structure does not mean the ordinance is creating an unnecessary hardship. Stoops may extend up to 4' into a minimum

rear setback (UZO 4-4-5 (c)); so, shrinking the size of the proposed deck by 2' and removing the roofed structure would eliminate the need for a rear setback variance.

Staff does recognize the placement of the approximately 100-yr old house near the rear of the lot creates a situation that makes it difficult to place any kind of roofed deck off the east side of the home that meets setbacks and that can be adequately sized for use. However, the lot being 54,711 sq. ft gives opportunities for an alternative location for the roofed deck. For instance, the deck could be constructed in a way where it would still have a portion on the east side of the house where it is currently proposed but wrap around to the south side of the home eliminating the need for a variance.

Regarding the ballot items:

1. The Area Plan Commission on November 17th, 2021 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding both variance requests that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. There would be no safety concerns regarding the rear setback requests.
3. Use and value of the area adjacent to the property included in the variance requests **WILL NOT** be affected in a substantially adverse manner. There is an agricultural field immediately to the east of the site in question which will not be negatively affected.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. The house has been in this location for over 100 years and predates any UZO requirements. The placement of the house near the back of the lot creates a situation that makes it difficult to place any kind of roofed deck off the home that meets setbacks and that can be adequately sized for use.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. A smaller uncovered deck could be built on site without necessitating a variance request. The size of the deck and the additional roofed structure, not the ordinance standards, is the issue.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is self-imposed because the variance is needed based solely on petitioners' desired deck location, size and desire for a roofed structure.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. A smaller, uncovered deck or varying the roofed deck's location could be built on site without necessitating a variance request.

STAFF RECOMMENDATION: Denial
