

Board of Adjustment Agenda

January 18, 2024 – 5:00 p.m.

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

George Howell, *Vice-Chairman*

Quentin Burke

Beau Holmes

Blake Markham

Bart Prince

Barry Robinson

Pickett Reese

Jennifer Shaw

Land Use Division

Warren Adams

Executive Secretary

- I. Chairman's Message**
- II. Approval of Minutes from the November 16, 2023 meeting.**
(December 21, 2023 meeting cancelled due to no quorum)

January 18, 2024

<u>Item</u>	<u>File#</u>	<u>Applicant</u>	<u>Zoning</u>	<u>Location/Request</u>	<u>Page</u>
1.	2023-051	Missouria Pinkston	AGR-1	3023 Cantelou Loop (Mobile home)	1
2.	2023-052	Mario A. Salazar	AGR-2	Boswell Road (Mobile home)	2
3.	2023-050	Angelina Rosales-Lopez	FH	10870 Rhodes Lane (Mobile home)	3
4.	2023-053	Jo Mortara	R-60-s	1637 Madison Avenue (Privacy fence)	4
5.	2023-045	David Lee Nystrom	R-85	3626 South Georgetown Drive (Recreational vehicle)	5
6.	1993-011	LeBron Shambray	R-75-s	8100 Greyfield Drive (Privacy fence)	6

III. Election of Officers

The next Board of Adjustment meeting is on February 15, 2024

1. BD-2023-051 **PRESENTED BY:** Missouriia Pinkston

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home for living purposes to be located at 3023 Cantelou Loop in an AGR-1 (Residential Agriculture) Zoning District.

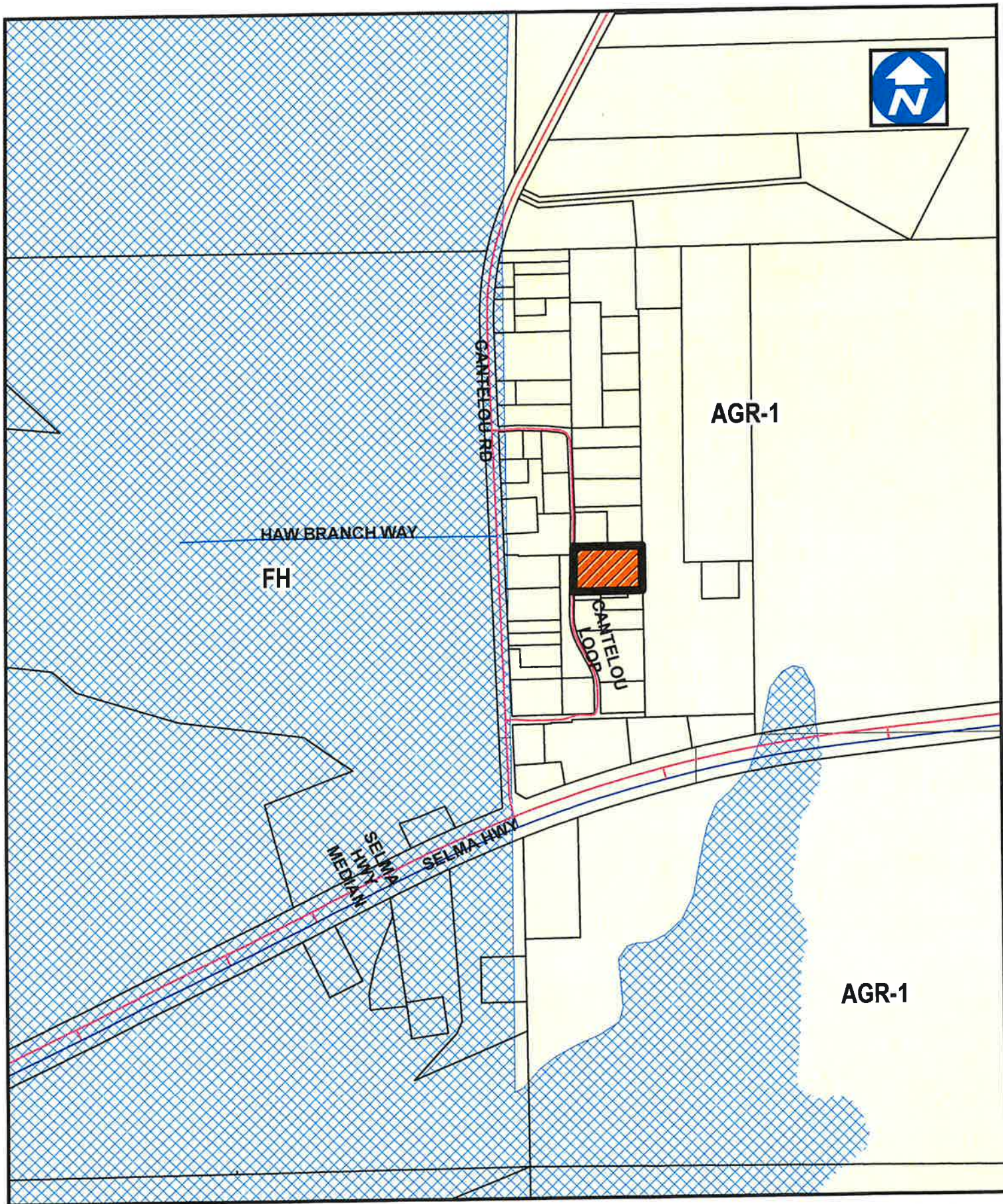
REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 2.2-acre parcel of land. The permanent dwelling was destroyed by fire. The mobile home will be approximately 150 ft. from the front property line.

The request is a special exception for a mobile home for living purposes.

This item was carried over from the December 21, 2023 meeting, due to no quorum.

CITY COUNCIL DISTRICT: Planning Jurisdiction

COUNTY COMMISSION DISTRICT: 2



Site 

1 inch = 700 feet
Item 1A



Site 

1 inch = 100 feet

Item 13

2. BD-2023-052 **PRESENTED BY:** Mario A. Salazar

REPRESENTING: Same

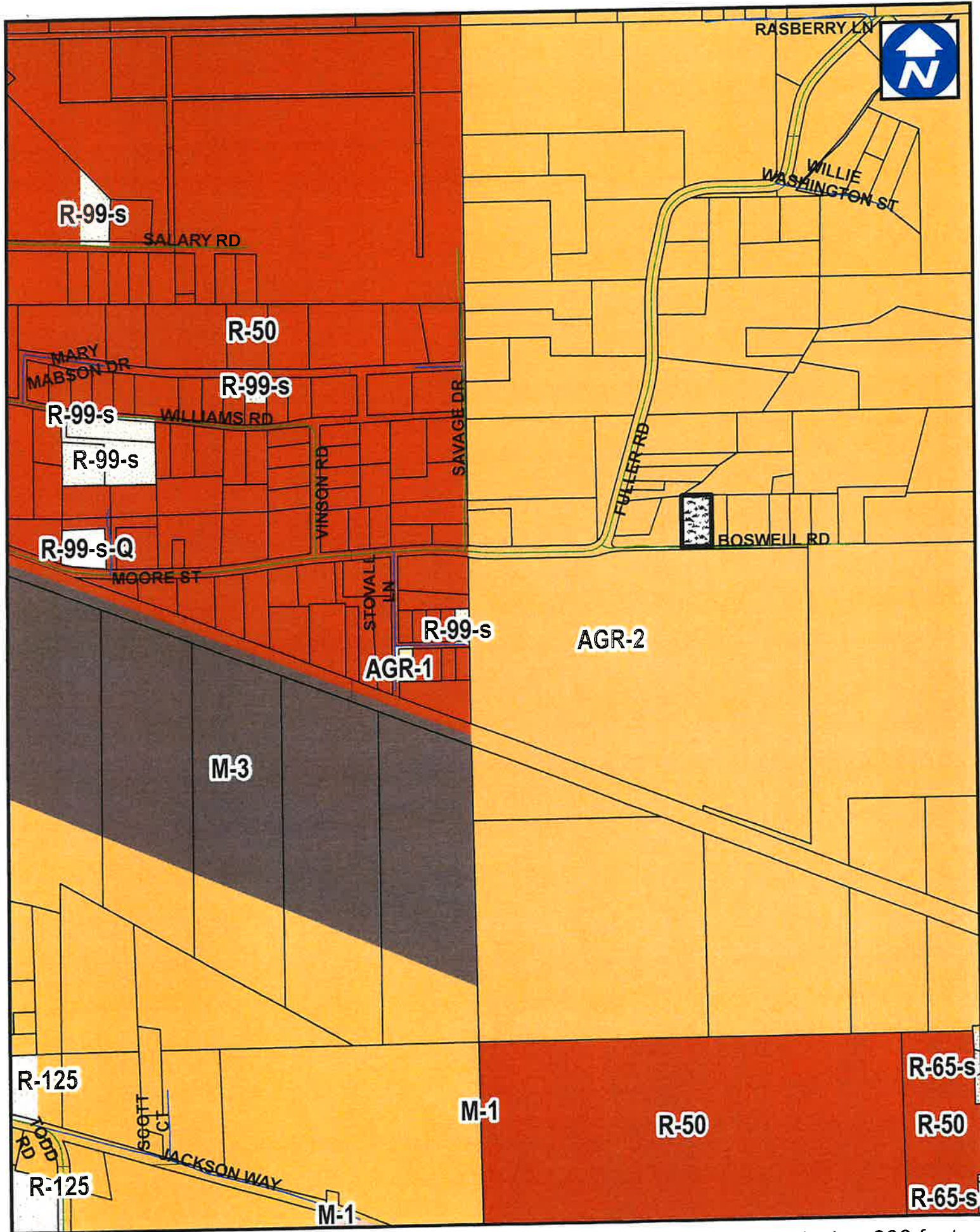
SUBJECT: Request a special exception for a mobile home for living purposes to be located on the north side of Boswell Road, approximately 400 ft. east of Fuller Road, in an AGR-2 (General Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 0.8-acre parcel of land.

The request is a special exception for a mobile home for living purposes.

This item was carried over from the December 21, 2023 meeting, due to no quorum.

CITY COUNCIL DISTRICT: 2



SITE 

1 inch = 600 feet

Item 2A



FULLER RD

Proposed mobile home



BOSWELL RD

SITE 

1 inch = 100 feet

Item 2B

3. BD-2023-050 **PRESENTED BY:** Angelina Rosales-Lopez

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home for living purposes to be located at 10870 Rhodes Lane in a FH (Flood Hazard) Zoning District.

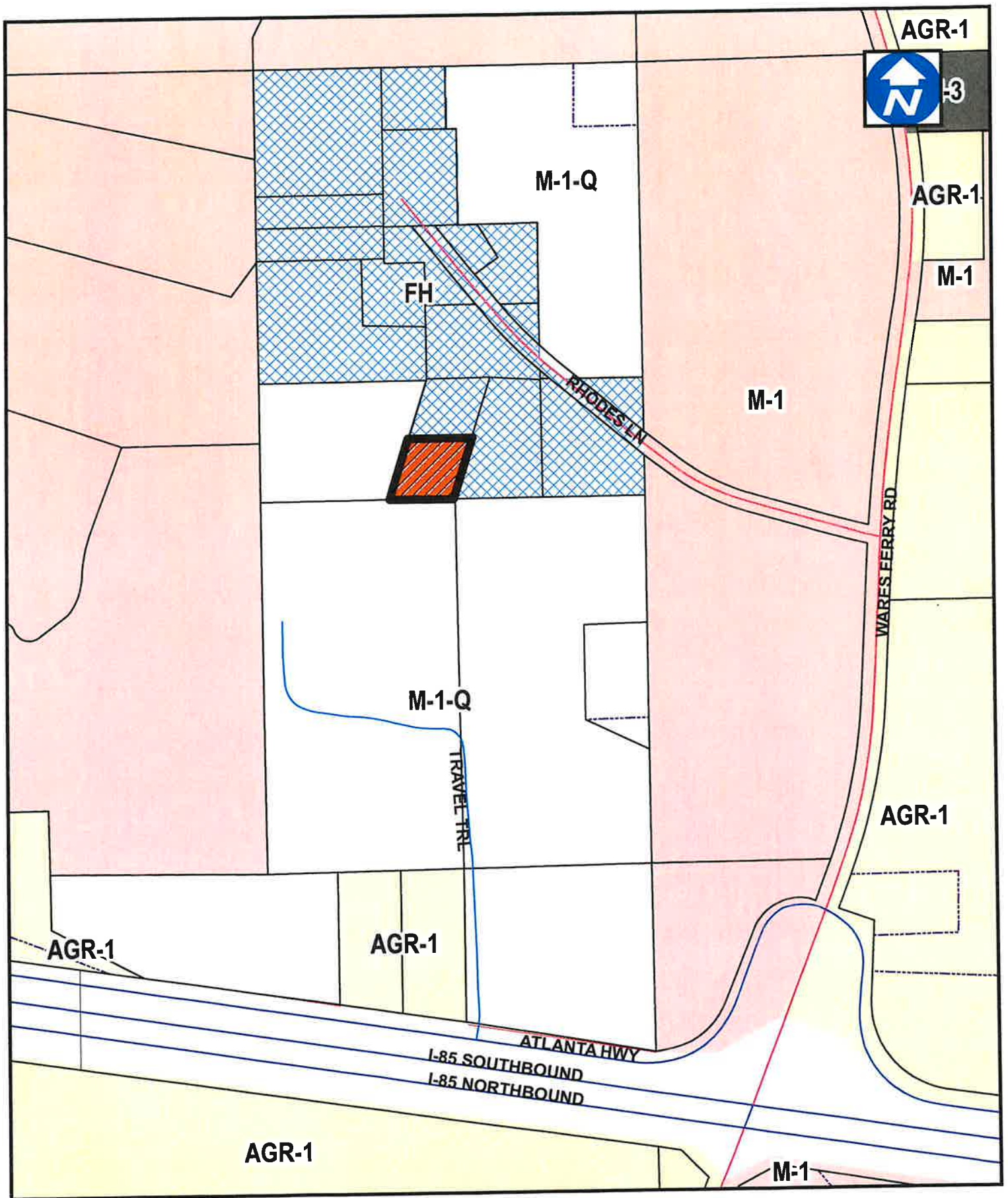
REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 0.95-acre parcel of land. The mobile home will be approximately 100 ft. from the existing dwelling and 25 ft. from the side property line

The request is a special exception for a mobile home for living purposes.

This item was carried over from the December 21, 2023 meeting, due to no quorum.

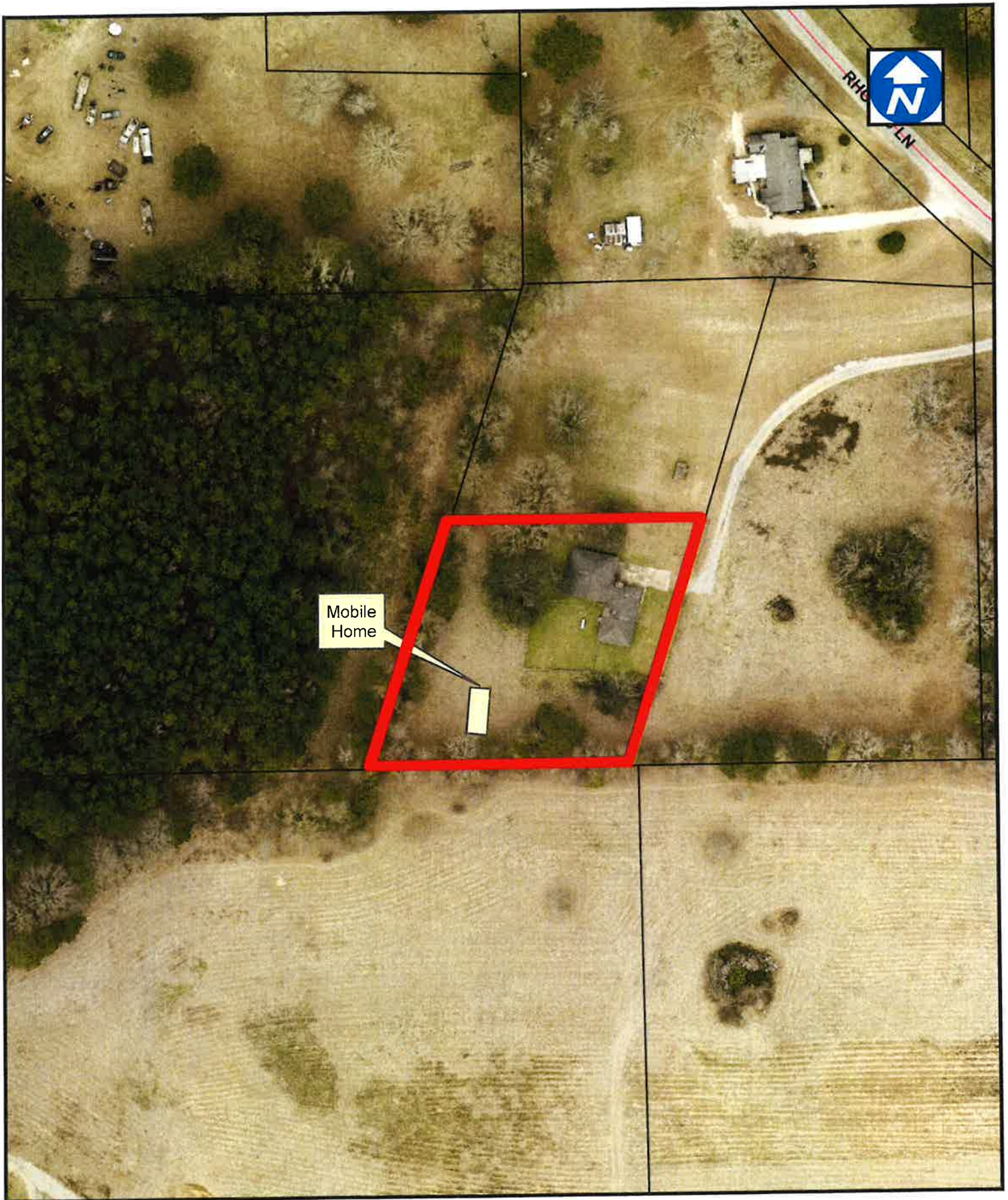
CITY COUNCIL DISTRICT: Planning Jurisdiction

COUNTY COMMISSION DISTRICT: 5



Site 

1 inch = 400 feet
Item 3A



Mobile
Home

Site 

1 inch = 100 feet
Item 3B

4. BD-2023-053 **PRESENTED BY:** Jo Mortara

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a new privacy fence to be located at 1637 Madison Avenue in a R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a 6 ft. tall privacy fence that will come to the street side yard property line (North Capitol Parkway), whereas 3 ft. height is allowed and a 20 ft. side yard is required.

The request is a 3 ft. height variance and a 20 ft. street side yard variance for a privacy fence.

CITY COUNCIL DISTRICT: 3

This item was carried over from the December 21, 2023 meeting, due to no quorum.

Variance Request

Part II

Physical Location: 1637 Madison Ave

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing all of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

The home was built in 1925. It is a historic home located within the Capitol Heights Hist. Dist. The home was built prior to our current code and encroaches on the required street side yard, sitting approx. 8' from the side property line. At the time it was built, there were no traffic lights, heavy foot traffic and no vehicle traffic that back up along N. Capitol Pkwy along side of the property. I am proposing an enclosure of the glass Florida room to reduce visual and physical vulnerability.

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

If this were not a corner lot, a variance would not be required.

3. Does the special conditions and circumstances result from the actions of the applicant?

No

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No



SITE 

1 inch = 200 feet

Item 4B



SITE 

ARB approved location of fence as shown

1 inch = 30 feet

Item 4C

5. BD-2023-045 **PRESENTED BY:** David Lee Nystrom

REPRESENTING: Same

SUBJECT: Request a variance to store a recreational vehicle in the front of the dwelling located at 3626 South Georgetown Drive in an R-85 (Single Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain the location of an RV in the front driveway.

The request is a special exception to store a recreational vehicle in the front driveway.

COUNCIL DISTRICT: 2

Variance Request Part II

Physical Location: 3626 S. Georgetown Dr.

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing all of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

No access to back yard long enough.
No room on either side of house (too narrow)

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

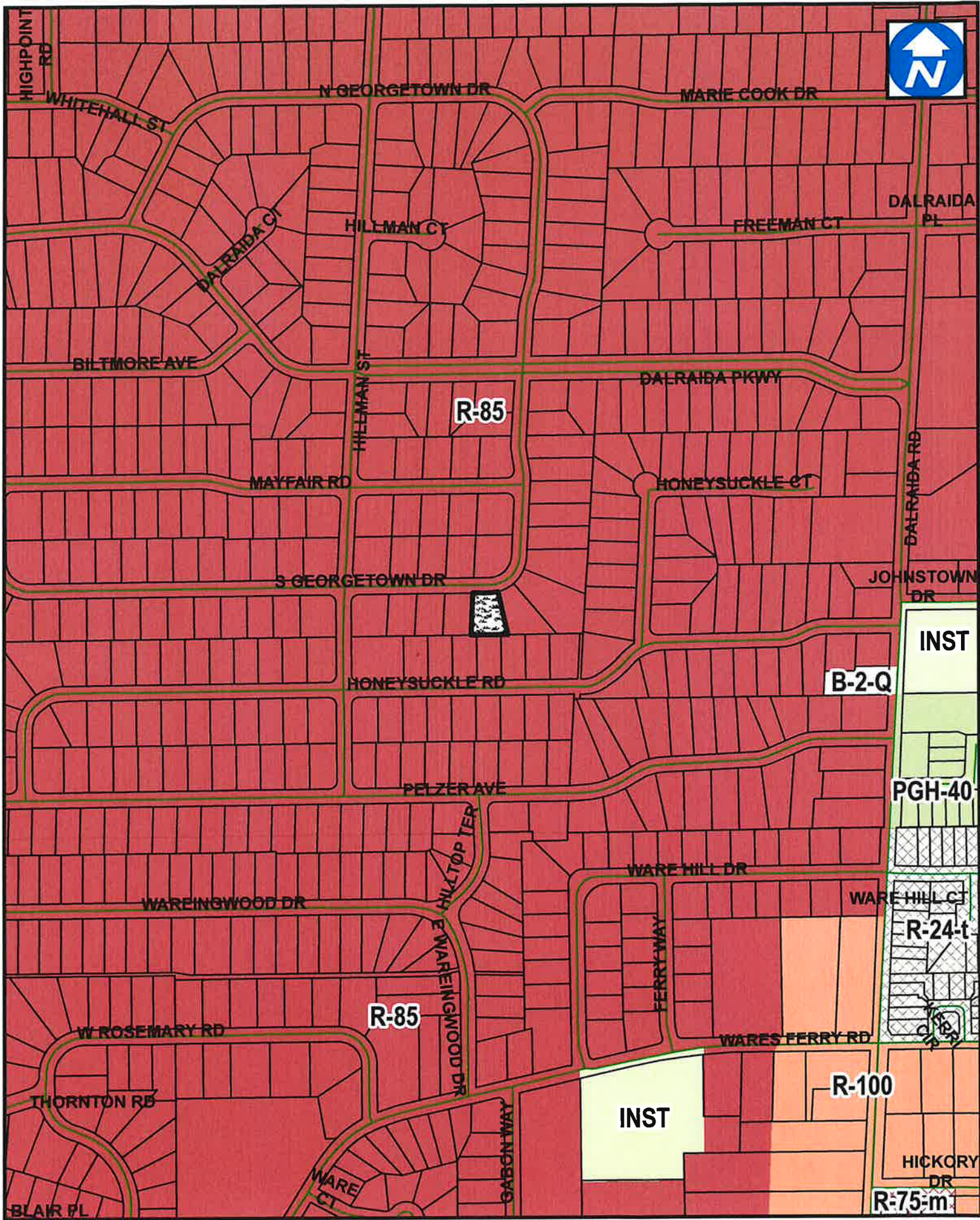
See some RV's and boats in same area.

3. Does the special conditions and circumstances result from the actions of the applicant?

NO

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

Dont know



SITE 

1 inch = 400 feet

Item 5B



S GEORGETOWN DR



SITE 

1 inch = 40 feet

Item 5C

6. BD-1993-011 **PRESENTED BY:** LeBron Shambray

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a new privacy fence to be located at 8100 Greyfield Drive in a R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a 7 ft. tall privacy fence that will come within 5 ft. of the street side yard property line (Parkview Drive South), whereas 3 ft. height is allowed and a 30 ft. street side yard is required.

The request is a 4 ft. height variance and a 25 ft. street side yard variance for a privacy fence.

CITY COUNCIL DISTRICT: 9

Variance Request Part II

Physical Location: 8100 Greyfield Drive

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing all of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

Want to expand back yard to put trailer in
yard

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

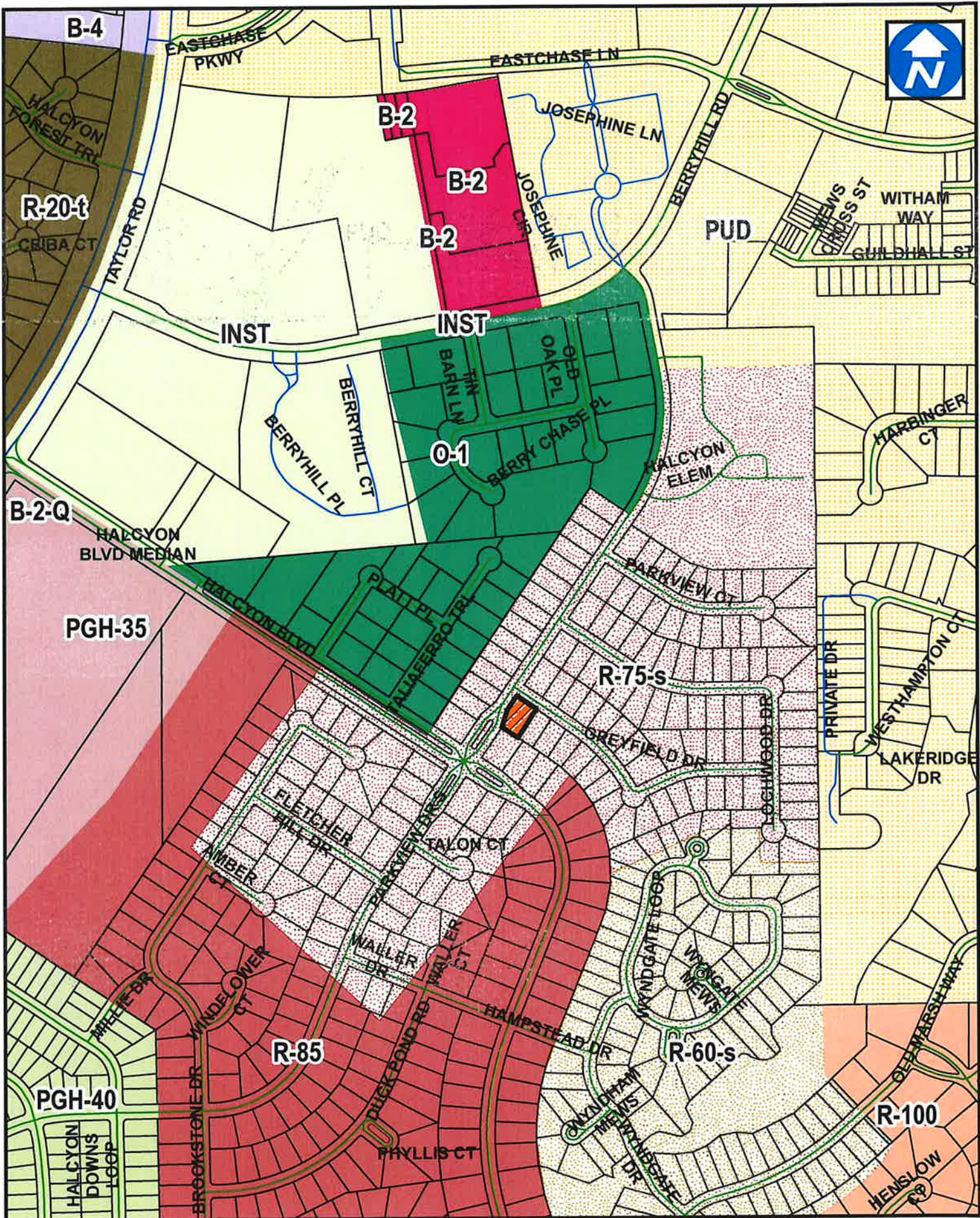
Because I'm on a corner lot

3. Does the special conditions and circumstances result from the actions of the applicant?

NO

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

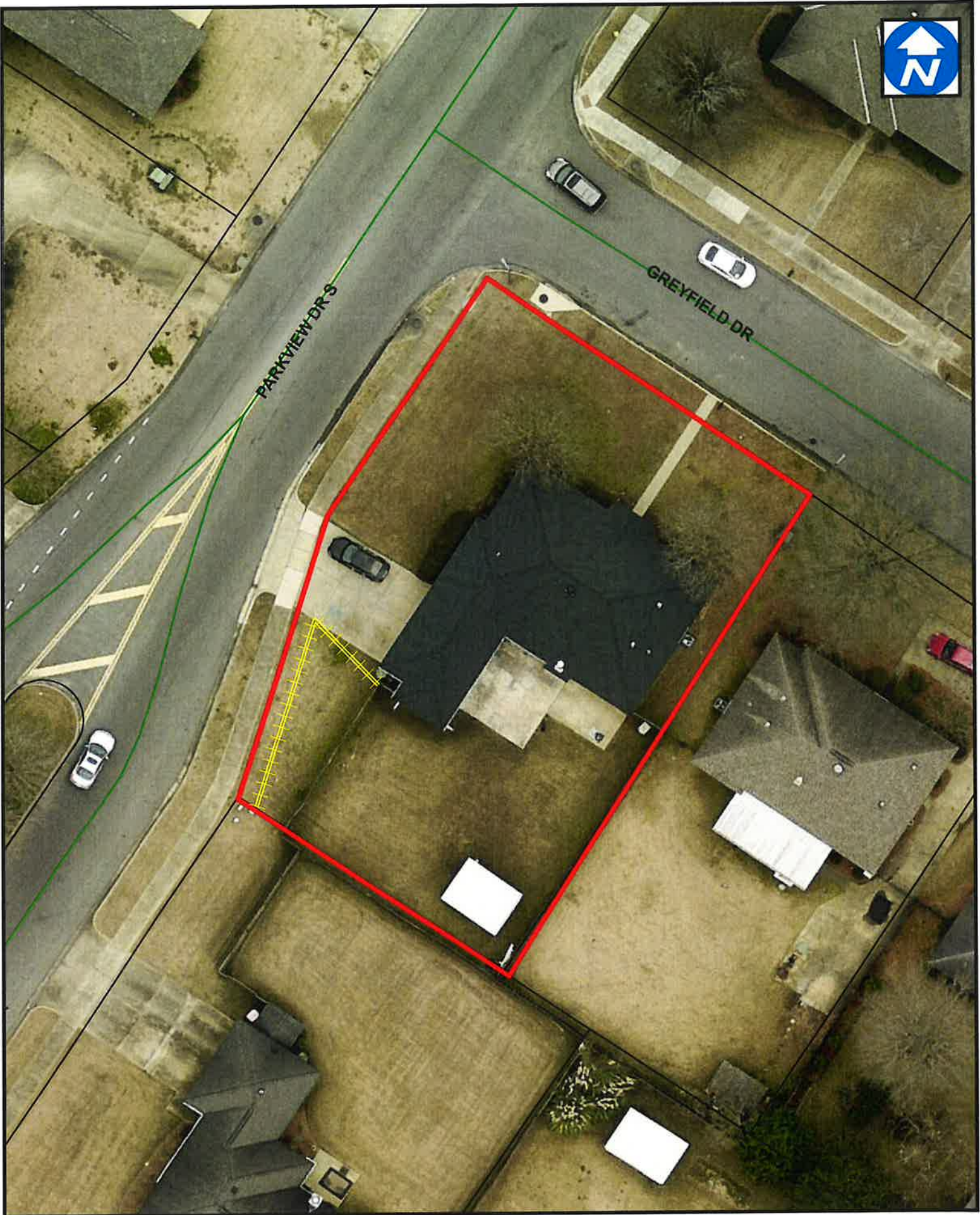
NO



SITE 

1 inch = 500 feet

Item 6B



SITE 

1 inch = 30 feet

Item 6C