



Action Report

File #: 18-105

TO: Chair and Board of Adjustment

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: March 7, 2018

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

Request for Reconsideration of Emerson Fence Variance - 5739 N. Casa Blanca Drive (APN: 173-08-004A). Case No. BA-17-04

BACKGROUND

The Board of Adjustment reviewed and denied this variance request at the January 3, 2018 meeting. The variance request was to allow existing non-conforming fence walls to remain.

Board Member Ozer is requesting that the Board of Adjustment reconsider this variance based upon new information presented by the applicant. The applicant identified that they "have learned that it is the Town's policy to establish a vehicular non-access easement along right-of-way for new subdivisions where it is adjacent to existing homes so as not to burden those homes with additional setbacks because of a road that only benefits the new subdivision. This is essentially an acknowledgement by the Town that those increased setbacks being imposed on adjacent property owners would constitute a hardship and lower their property value. With this information, the Board may be inclined to acknowledge the hardship, not as a need to move improvements like a pool or sport court but the very fact that a significant amount of property is lost with nothing gained." Attached is a copy of Board Members Ozer's request for reconsideration.

Currently, when a subdivision creates a new right-of-way (ROW) that adjoins an existing property, a separate tract (instead of a vehicular non-access easement) is generally created and placed between the existing property and the new ROW. This is done to prevent greater setback requirements on the existing property and/or to prevent the creation of non-conforming structures on the neighboring lot. Creation of this tract is not common.

The Board will discuss and take a vote to determine if they want to reconsider the application/variance request. If the Board approves a motion to reconsider (to a specific date), then the meeting date for the reconsideration will be advertised and noticed. The Board will then reconsider/re-review the application and take action at the scheduled meeting.

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ATTACHMENTS

- January 21, 2018 Email Request for Reconsideration from Board Member Ozer
- Emerson Variance Case Material from January 3, 2018
- January 3, 2018 Draft Meeting Minutes

C: Nick Labadie (Applicant)
Case File BA-17-04