



Serenity Tender Care Services VAR24-06

Board of Adjustment Hearing – October 10, 2024

Amy Schwenner
Planner





Request

Variance approval to reduce the side and rear setbacks from twenty (20) feet and fifteen (15) feet to five (5) feet in the C-2 (General Commercial) zoning district for a detached shade structure.

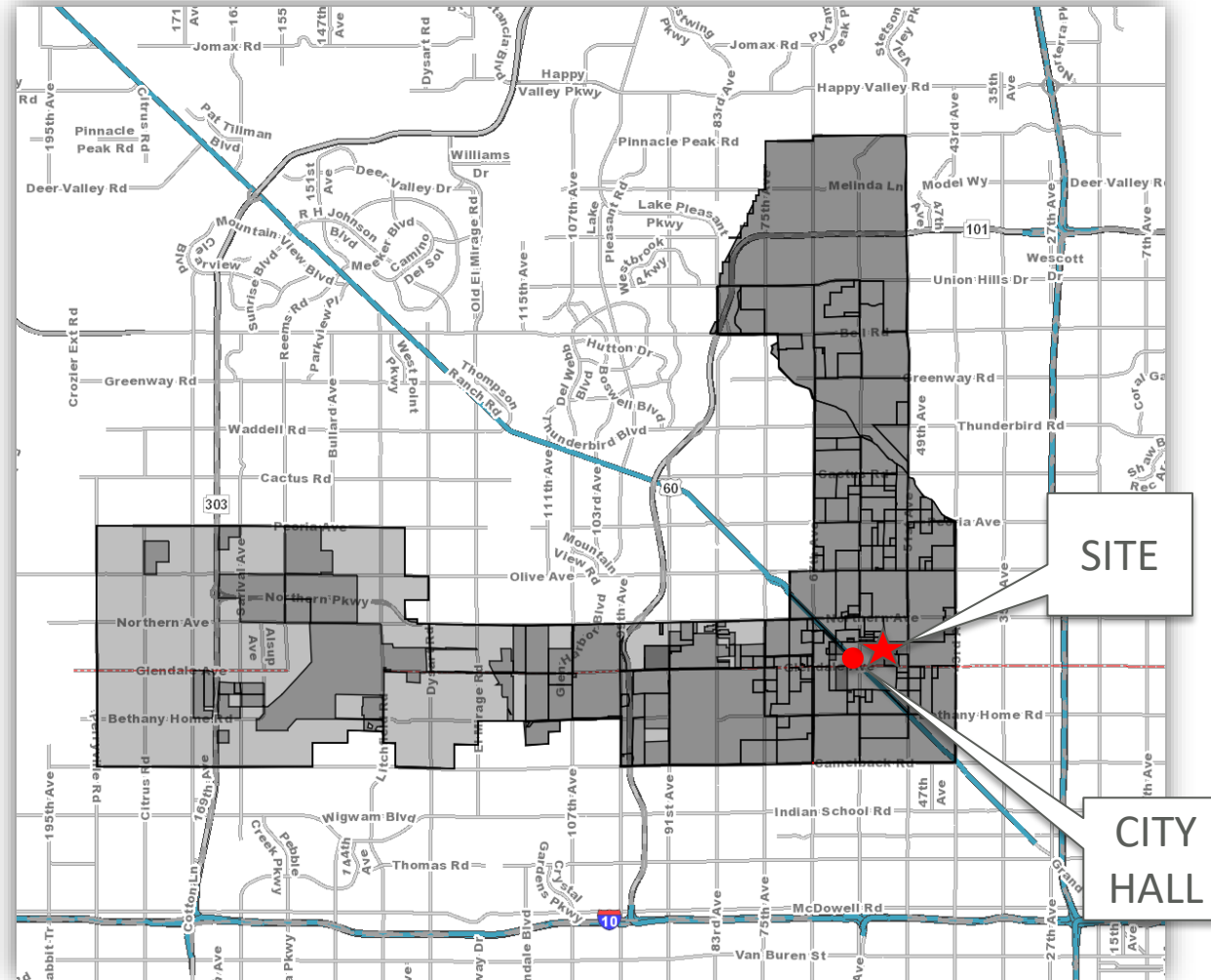
Applicant / Owner:

Ovie Emeofa



Vicinity Map

Northeast corner of
55th Avenue
and Glenn
Drive





Zoning Map





Aerial Map





Project Details

- Size: 16,137 sf (0.37 ac) / 3,800 sf
- Specific Use: Child Care, Center
- Proposal: 26' x 42' shade structure (1,092 sf)
- Setbacks: 20' (streetside) / 15' (rear) / 10' (building)
- Hardship: Setbacks limit the shaded area to 442 square feet
 - shade existing play structure (minus fall safety zone) for younger clients
 - shade open space for older clients



Public Involvement

- Notification Letters: July 8, 2024
- Reminder Postcards: September 25, 2024
- Site Posting: September 25, 2024
- Notice of Public Hearing: September 27, 2024



Conceptual Site Plan / Elevation





Findings & Analysis

- Conditions preventing application of the zoning standard:
 - standard setbacks reduce the size of the sheltered open space and limits number of individuals and type of use
- Standard deprives appellant common rights:
 - neighbors have zero setback from the property lines



Findings & Analysis

- Hardship not the result of actions by the applicant:
 - amount of shade allowed per code causes applicant to choose one use over another
- Interfere/alter legal use of adjacent properties:
 - located adjacent to street and commercial use to the east
 - five-foot setbacks allow for proper drainage



Recommendation

If the Board decides to grant the variance, it should be subject to the following stipulation:

Development shall be in conformance with applicable site, floor and elevation plans, date stamped July 8, 2024.



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