



STAFF REPORT

Date: October 9, 2025

To: Board of Zoning Appeals

From: Jon Baughman, City Planner
Jill Johnson, Planner I

Re: Zoning Variance – Lot Coverage & Rear Setback
4595 Boxcroft Circle
Map – 096B
Group – F
Parcel – 013.01

Request: The owner of 4595 Boxcroft Circle seeks a lot coverage and rear setback variance to accommodate a rebuild, expansion and covering of an existing deck on the rear of the home on this property. This property is Providence, Phase A1, Section 2, in the Cottages of Providence in District 4.

History/Analysis: 4595 Boxcroft Circle is in the Cottages at Providence (lot 1B), and is just off Providence Trail, and sits south of the Harmony of Mt. Juliet senior living residences. This subdivision is zoned R-10 PUD and includes two family residential units. This phase and section were developed as part of the overall master plan of the Providence community.

The duplex home lots in the entire subdivision were originally platted with one duplex per lot in approximately 2007. In 2009, the lots were subdivided to include one half of each duplex on an individual lot. For 4595 Boxcroft specifically, the lot went from approximately 8,300sf to the current 4,150sf. The minimum lot area for R-10 developments is 10,000. The subject property is already non-conforming as to required area and lot coverage. The current owner bought the property in 2022.

5-103A Residential Bulk Regulations: The maximum lot coverage for R-10 zoning is 40%. The existing home, sans covered deck addition violates this requirement already (1,814sf/4150sf = 43.7%). The addition of a roof over a portion of the deck area (258sf) will increase this lot coverage nonconformity to 2,072sf/4,150sf = 49.9%.

Building setbacks for this R-10-PUD zoning are front 20', side 5' and rear 15'. The existing deck is approximately 15' from the property line. The proposal will extend the deck another 2' toward the rear property line and will include a roof connected to the primary structure, making it part of the primary structure and therefore subject to setback requirements. The larger deck will encroach approximately 2' into the required yard violating the 15' rear yard setback.

5-103.5 Yard regulations.

3. Permitted obstructions in required yards. In all residential districts, the following shall not be considered obstructions when located within a required yard, except that these items shall comply with subpart 4 of this section, Obstructions prohibited at street intersections:

a. In any yard.

Air conditioning units, provided that no such unit shall extend more than one-half the required width of the yard.

Arbors and trellises.

Awnings or canopies projecting from a building wall over a required yard not more than six feet, and having no supports other than provided by the wall or its integral parts.

Bay windows not projecting more than two feet into the required yard. In no case shall bay windows be located less than five feet from any lot line.

Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.

Driveways subject to other specific provisions of this ordinance related directly thereto.

Eaves, gutters, or down spouts, projecting into or over required yards not more than 24 inches or 20 percent of the width of such yard, whichever is the lesser distance.

Fire escapes or staircases, the riser of which shall be at least 50 percent open, and whose vertical projection downward onto a required yard does not project more than three feet into, and not exceeding ten percent of the area of the required yard.

Flagpoles having only one structural ground member.

Fountains.

Mailboxes.

Open terraces, including natural plant landscaping.

Sculpture or other similar objects of art.

Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, or directional signs.

Vehicular parking areas, unless, otherwise, specifically prohibited by applicable sections of this ordinance.

Vents necessary for use of fallout shelters constructed below grade of such yards, but excluding all other parts of such shelters.

Walls, including retaining walls, or fences not exceeding six feet in height measured from finish grade level at any point along the length of, and on any side of, such walls, including retaining walls, or fences, and not roofed or structurally part of a building.

Primary structures and covered patios, porches, decks, etc. shall comply with yard requirements as shown above, not being a permissible encroachment via this list.

Sec. 13-103. - Noncomplying buildings or other structures.

13-103.1 General provisions. The provisions of this section shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions which pertain to activity or use.

13-103.2 Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

13-103.3 Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of subsection 13-103.4, Enlargement of conversion.

13-103.4 Enlargement of conversion.

1. Adequate space for expansion. No expansion or enlargement of any noncomplying building or other structure may be made which would either create a new noncompliance or increase the degree of any previously existing noncompliance of any building or other structure or parcel or portion, thereof.

2. Buildings noncomplying as to lot area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and, in mixed buildings, the residential

use may be extended, except when in the floodplain district) provided that the deficiency in the required lot area is not, thereby, increased (for example, a noncomplying building on a zone lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units requiring a lot area of no more than 5,000 square feet).

3. Application of other provisions to expanded facilities. In the event that any proposed expansion or addition to a noncomplying building or structure is valued at less than 50 percent of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site, all provisions of this ordinance shall be applicable to the expansion or addition. In the event, however, that the proposed expansion or addition is valued at 50 percent or more of the assessed valuation of the improvements located upon the site all provisions of this ordinance shall apply to both the existing facilities, with the exception of any preexisting noncomplying conditions and the expansion or addition.

13-103.5 Damage or destruction of noncomplying buildings and other structures. In all districts, when any noncomplying building or other structure is damaged or destroyed such building or other structures may be restored provided that such restoration shall not cause a new noncompliance nor increase the degree of noncompliance existing prior to such damage or destruction.

Since the property is already non-conforming regarding the lot coverage maximum and minimum lot size, the highlighted section of code above dictates the process for expansion of non-conforming properties. This proposal violates the requirements of this section.

14-105.4 Standards for Variances:

The Board shall not grant a variance, unless it makes findings based upon evidence presented to it as follows:

- 1. By reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.*
- 2. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.*
- 3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.*
- 4. Financial returns only shall not be considered as a basis for granting a variance.*
- 5. The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.*
- 6. The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.*
- 7. The alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.*

Summary: The applicant is seeking two variances from the bulk regulations (5-103A in the zoning ordinance), lot coverage and rear yard setbacks, for the construction of a partially covered, larger deck (26.5'x12') on the rear of the existing duplex home at 4595 Boxcroft Circle. The lot is only 4,150sf and is already non-conforming regarding lot area for R-10 zoning districts (10,000sf min.) and lot coverage (40% maximum) at 43.7%.

The existing deck is approximately 10'x20' and is uncovered. Reconstruction and expansion of the deck will include the addition of a roof over a portion of the deck (258sf of new roof area) causing the lot coverage to rise from 43.7% to 49.9%. Further, the existing deck is right at the 15' rear yard setback line. The proposed enlargement of the deck will cause it to encroach approximately 2' into the required 15' yard, necessitating the need for another variance.

The request does not meet the requirements for expansion of nonconforming structure found in Article 13-103.4 of the City's zoning ordinance. The proposal will increase the degree of nonconformity on the property.

Recommendation: Staff does not recommend approval of the variance requests from the requirements of 5-103A, Residential Bulk Standards, of the City's zoning ordinance for lot coverage and rear yard setback for 4595 Boxcroft Circle.