



STAFF REPORT

Date: November 13, 2025

To: Board of Zoning Appeals

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

Re: Zoning Variances – 5-104.3a Building Envelopes
Tates Landing
Map – 73
Parcel – p/o 21.00

Request: Jake Porter with Heritage Civil, on behalf of his client, seeks two building envelope variances for a variable lot subdivision proposed off Watermark Way.

Overview: The property consists of approximately 10.00 acres (432,752 sf) on Watermark Way, which abuts the Nichols Vale property to the north, just east of Tate Lane. This is currently undeveloped agricultural land. The applicant wishes to develop a 17-lot variable lot subdivision with a base zoning of RS-20. An annexation and rezone are currently underway for this property.

Concept Plan: The concept plan proposes 17 lots on 10 acres for a density of 1.7 units/acre (2.2 units/acre permitted with RS-20 base zoning). The minimum lot size is 15,000sf and the average lot size is 16,750sf. The bulk regulations for variable lot subdivisions are adhered to, except the variance request described below. Lot coverage shall not exceed 45% and floor coverage per lot is indicated as at least 3,000sf.

Improved open space totals 1.02 acres (10.24% of the development site) and includes a playground, dog park and walking trails. A mail kiosk is proposed, and a detail is provided and acceptable. Streetlights are required per ordinance 25-24. Four parallel on-street parking spaces are provided in front of the playground and amenity area. Sidewalk is provided on both sides of all streets. The supplied renderings indicate homes with two car garages and masonry and fiber cement facades. All single-family design guidelines, except any waivers granted, shall be adhered to.

Variance Request: The request is to deviate from the bulk standards for variable lot subdivisions (Article V, Section 5-104.3a) as shown highlighted below:

Table 5-104.3a. Density and Bulk Criteria for Standard Lots Within Variable Lot Residential Developments

Density and Bulk Criteria		Zone District					
		AR-40	RS-40	RS-30	RS-20	RS-15	RS-10
I.	Density (in dwelling units per acre)	1.1	1.1	1.5	2.2	2.9	4.3

Table 5-104.3a. Density and Bulk Criteria for Standard Lots Within Variable Lot Residential Developments

Density and Bulk Criteria		Zone District					
		AR-40	RS-40	RS-30	RS-20	RS-15	RS-10
II.	Minimum lot size (in 000 sq. ft.)						
	Without public water or sewer	N/A	N/A	N/A	N/A	N/A	N/A
	With public water but w/o public sewer	(1)	(1)	N/A	N/A	N/A	N/A
	With both public water and sewer	30	30		15	11.25	7.5
III.	Minimum lot frontage						
	On street	50	50	50	50	50	50
	On cul-de-sac	35	35	35	35	35	35
IV.	Maximum building envelope (as percentage of lot area)	40	40	40	45	50	55
V.	Minimum building envelope spacing (in feet)						
	Building envelope separation (measured between building envelopes)	50	50	40	30 (10)	20	15
	To on-site street	25	25	20	20	20	15
	To off-site street (2)	50	50	45	40	40	20
	To tract boundary (2)	50	50	45	40	40	20
	To any lot line	25	25	20	20 (5)	15	5
	To lake or stream (3)	100	100	100	100	100	100
VI.	Maximum total lot disturbance	(4)	(4)	(4)	(4)	(4)	(4)

(1) See subpart 3.d, minimum lot area (above).

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Density and Bulk Criteria	Zone District					
	AR-40	RS-40	RS-30	RS-20	RS-15	RS-10
(2) Where the provisions of subsection 3.e(1), lots adjacent to conventional residential development apply, setbacks shall be as required for the base zone district.						
(3) This provision shall apply to streams with established floodplains. Along other streams the minimum setback shall be four times the width of the stream.						
(4) See subpart 4.a, tree preservation.						

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 requirements of Article V, Section 5-104.3a for a 5' setback to any lot line in lieu of the required 20' and a building envelope spacing of 10' in lieu of the required 30'. Staff does not support approval of this request as standard #1 above is not met.

Recommendation: Staff does not recommend approval of the setback variance for the Tate Lane subdivision off Watermark Way.