

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 3-D-20-UR                      **Related File Number:**  
**Application Filed:** 1/16/2020              **Date of Revision:**  
**Applicant:** BENCHMARK ASSOCIATES, INC.

## PROPERTY INFORMATION

**General Location:** Southeast of intersection of Mountain Hill Ln & Chesney Hills  
**Other Parcel Info.:** This request also includes 0 Chesney Hills Ln. (104MJ079)  
**Tax ID Number:** 104 M J 078 & 079                      **Jurisdiction:** City  
**Size of Tract:** 40000 square feet  
**Accessibility:** Access is via Chesney Hills Ln, a local street with 26' of pavement width within a 50' right-of-way, and Mountain Hill Ln, a local street with 26' of pavement width within 50' of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant  
**Surrounding Land Use:**  
**Proposed Use:** Reduce the peripheral setback from 35 ft to 20 ft.                      **Density:**  
**Sector Plan:** Northwest County              **Sector Plan Designation:** LDR (Low Density Residential) / HP (Hillside Prote  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** Property in the area is zoned PR, RA, RAE, and A, and developed with detached dwellings.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 1510 Mountain Hill Ln.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** The property was rezoned from A to PR in 2006 (4-D-06-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): DENY the request to reduce the peripheral setback from 35' to 20' for Lots 78 and 79 of the Chesney Hills subdivision for the reasons listed below.

Staff Recomm. (Full): The reduced peripheral setback will be inconsistent with the rest of the subdivision and homes with a different floor plan could be constructed within the existing setbacks.

Comments: The subject lots have an irregular shape, being very wide and having a shallow depth. Most of the lot area is unbuildable because it is completely within a building setback. The houses proposed on the plot plan are deeper than they are wide and have garages that project out in front of the body of the house, which pushes the house futher back on the lot and into the peripheral setback. A house plan that is wider, like a ranch style house, is more appropriate for these lots.

When the Concept Plan for this subdivision was originally approved, the developer assumed there was more width to the property and proposed lots along the entire east side of Chesney Hills Lane and the south side of Mountain Hill Lane, east of Chesney Hills Lane (see attached Concept Plan, Exhibit A). Before the subdivision was platted, Chesney Hills Lane had to be adjusted east and Mountain Hill Lane south, which created the irregular shape of the two subject lots. This change to the road layout and lots where only reviewed as part of the final plat approval and not as a revised concept plan. When the subdivision plat was approved in 2007, the Planning Commission did not have the authority to reduce the peripheral setback so the developer had to assume that houses could be built on the lot without a variance approved by the Board of Zoning Appeals or the intention was to leave them unbuild.

Action: Denied

Meeting Date: 3/12/2020

Details of Action: The reduced peripheral setback will be inconsistent with the rest of the subdivision and homes with a different floor plan could be constructed within the existing setbacks.

Summary of Action: DENY the request to reduce the peripheral setback from 35' to 20' for Lots 78 and 79 of the Chesney Hills subdivision for the reasons listed below.

Date of Approval:

Date of Denial: 3/12/2020

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?:  Action Appealed?:

**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body:

Date of Legislative Action:

Date of Legislative Action, Second Reading

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: