

M E M O R A N D U M

TO: Zoning Board of Adjustment

FROM: Maika Arnold, AICP
Senior Planner – Planning, Zoning and Building Department

THROUGH: Allen Parsons, AICP
Director – Planning, Zoning and Building Department

REPORT DATE: April 6, 2021

MEETING DATE: April 15, 2021

SUBJECT: **3602 FAIR OAKS LANE – DAYLIGHT PLANE WAIVER**

Background

At their March 18, 2021 meeting, the Zoning Board of Adjustment (“ZBA”) heard and deliberated a Daylight Plane Waiver request for a second story addition to a home located at 3602 Fair Oaks Lane. The request was to allow a daylight plane angle of 68.5 degrees on the [north]east side of the home and 65.5 degrees on the [south]west side of the home, where 62 degrees is required on both sides of the home.

Staff provided two recommendations, based upon the findings of fact, per Section 158.010 (F)(2):

1. approval of the requested daylight plane waiver of 68.5 degrees on the [north]east side of the home; and
2. denial of daylight plane waiver of 65 degrees on the [south]west side of the home.

Staff was of the opinion that the applicant did not provide sufficient information to demonstrate whether the requested waiver would meet the applicable criteria of impacting the neighboring property to the [south]west or if the strict application of the 62-degree daylight plane angle would deprive the owner of a reasonable design.

The property owner of the adjacent neighboring property (3600 Fair Oaks Lane) attended and spoke at the meeting. He stated that he did not think the proposed daylight plane waiver would have a negative impact on his home.

The ZBA asked the applicant if they had prepared alternative drawings to show that how the required 62-degree daylight plane angle would create an unreasonable design. The applicant indicated they had not prepared drawings to show different designs.

The ZBA voted 3-1 to continue the meeting to April 15, 2021, to provide the applicant an opportunity to bring additional information back to the ZBA to show how the proposed Daylight Plane Waiver meets the criteria regarding reasonable design.

The applicant submitted the attached letter from William H. Whitmer, the architect who designed the proposed addition.

Staff Recommendation

Staff's recommendation remains the same: based on the assessment (previously stated in the Staff Report dated March 18, 2021) of Daylight Plane Waiver Petition PDP21-0001 and the Daylight Plane Waiver criteria of Section 158.010(F)(2), Staff recommends APPROVAL of the requested daylight plane waiver of 68.5 degrees on the [north]east side of the home and DENIAL of daylight plane waiver of 65 degrees on the [south]west side of the home.

Attachments

1. March 23, 2021 Letter from William H. Whitner (Available in the Planning, Zoning & Building Department)
2. Staff Report from the March 18, 2021 ZBA Meeting (Available in the Planning, Zoning & Building Department)
3. Applicant's Application (Available in the Planning, Zoning & Building Department)