

file RZ 2001 MV 025

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To: Crouch, John; McLaughlin, Greg; Nassimbeni, Bruce G.
Cc: Braham, Peter; Shoup, Bill; Guinaw, Kevin
Subject: RZ 2001-MV-025



This is a PDH development known as Laurel Hills South. The yards for the single family detached units shown on the proffered CDP/FDP for this development, and permitted extensions into those yards, are very complicated and have resulted in much discussion. I will try to summarize below what they are and how they should be administered.

First, the approvals for Land Bay E differ from those of the other land bays, since Land Bay E was the subject of a FDPA shortly after the property was rezoned.

By letters dated November 1, 2002 and May 5, 2003, I determined the minimum yards required for the various widths of the detached lots. Greg and John, you should have copies of those letters, but in case you do not, I have attached unsigned copies of the letters. In the first letter, I made a statement that permitted extensions were permitted if they complied with the requirements of Section 2-412 of the Zoning Ordinance. That sentence needs elaboration.

In all Land Bays, there is a graphic (Typical Lot Layout Details, a portion of which I have attached) in the development plan (Sheet 14) that shows typical layouts for the various lot widths shown on the CDP/FDP. For example, 60 foot wide lots are shown with 6 foot side yards. There is a proffer (4c; copy attached) that says that all SFD units shall maintain a side yard of a minimum of 5 feet, with a minimum distance between homes of 10 feet. Based upon the difference between the proffer and the graphic, in the November 1, 2002, I determined that the minimum side yards of the 60 foot wide units must be 5 feet, with a 12 foot separation between houses. The typical lot layout details on the CDP/FDP show some units with bump-outs, which are presumed to be the permitted extensions. The layout typicals are to scale. Section 2-412 says that permitted extensions into side yards may extend 3 feet into any minimum required yard, but may be no closer than 5 feet to a side lot line. As you know, these provisions may be modified by the Board in its approval of a rezoning to a "P" District. For the Land Bays, other than Land Bay E, there is no restriction in the proffers, development conditions or plans regarding permitted extensions. Therefore, in Land Bays other than Land Bay E, in the instances in which the typical lot layouts show permitted extensions closer to the side lot line than the minimum side yard setback for the dwelling, those extensions are permitted to extend to 3 feet into the side yard, since it is presumed that, but accepting the CDP/FDP with the typical lot layout detail, the Board accepted these extensions into the side yard.

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Land Bay E is different. In Land Bay E, Sheet 4 of 7 of the FDPA includes a graphic that defines "Developable Area" (copy attached); the tab associated with this graphic sets a 5 foot minimum side yard. The associated note states "Developable area includes all decks and all extensions on base structure". Furthermore, FDPA condition (#4; copy attached) states that decks and additions shall not be located outside of the "developable area". Therefore, in Land Bay E, irrespective of the typical layout graphic, extensions cannot extend closer to the lot line than 5 feet.

Hopefully, this clarifies the issue. If you have any questions, please call me or Peter Braham

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