

**VAR19-00001: Board of Adjustment Hearing Officer Action**

Request: Variance from Sedona Land Development Code (LDC) Section 2.3.B (RS-35 Lot and Building Standards), to reduce the minimum required rear setback at 15 Turquoise Court from 40 feet to 23.1 feet, a reduction of 16.9 feet or 42.25%, to allow for the construction of an addition to the existing residence within the rear yard area.

Property Owner/Applicant: Raul and Wendy Meoz

Address: 15 Turquoise Court

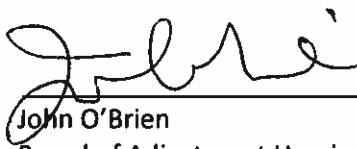
APN: 408-11-383

Meeting Date: December 9, 2019

Following the presentation of evidence from staff and the Applicant, and hearing comment from the public, the Hearing Officer finds as follows:

1. The Board of Adjustment Hearing Officer may approve a variance upon making all of the six findings spelled out in LDC 8.8.A(4).
2. Due to the severe, triangular shape of the subject property, the east or rear property line is the longest property line. This means that the area within the rear setback area is much larger than it would be if the lot was a typical square shaped lot. As a result, there is a greater than normal impact on the lot's buildability, leaving much less buildable area in the rear yard.
3. The location of the existing house on the north end of the building envelope and the location of the attached garage on the southern side of the house limits the options for expansion.
4. The septic system occupies almost half of the entire southern part of the buildable area, further limiting the options for expansion of the house.
5. The combination of the narrow buildable area of the extremely triangular shaped lot, the existing building configuration, and the location of the septic system and leach field combine to restrict the buildable area in a way that is not typical or common for other properties in the RS-35 zoning district.
6. The application of the strict setback code requirements in this situation would produce undue hardship on the applicant.
7. The applicant did not create the hardship by their own actions as they purchased the subject property in 2004, well after the lot was created and the home and septic system were constructed.

On this basis, I approve Case Number VAR19-00001 as it meets all six of the necessary Variance Findings spelled out in Section 8.8.A(4) of the Land Development Code, subject to the three recommended conditions of approval listed at the end of the staff report.

  
\_\_\_\_\_  
John O'Brien  
Board of Adjustment Hearing Officer

12-11-19  
Date