

APPLICATION NUMBER

**5143**

A REQUEST FOR

**SIDE YARD SETBACK, REAR YARD SETBACK AND SITE  
COVERAGE VARIANCES TO ALLOW THE  
CONSTRUCTION OF A 24' X 24' GARAGE WITHIN 3' OF  
THE SIDE PROPERTY LINE, 2.13' OF THE REAR  
PROPERTY LINE AND TO ALLOW 42% SITE  
COVERAGE; A MINIMUM SIDE YARD SETBACK OF 7',  
A MINIMUM REAR YARD SETBACK OF 8' AND A  
MAXIMUM SITE COVERAGE OF 35% IS REQUIRED  
FOR A 49' WIDE LOT IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT**

LOCATED AT

**1204 NEW SAINT FRANCIS STREET**

(North side of New Saint Francis Street, 267' ± East of North Georgia Avenue)

APPLICANT/OWNER

**JAMES M. BROWN**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2002

The applicant is requesting Side Yard Setback, Rear Yard Setback and Site Coverage Variances to allow the construction of a 24' x 24' garage within 3' of the (West) side property line, 2.13' of the (North) rear property line and to allow 42% site coverage; a minimum side yard setback of 7', a minimum rear yard setback of 8' and a maximum site coverage of 35% is required for a 49-foot wide lot in an R-1, Single-Family Residential District.

The applicant proposes to construct a 24' x 24' garage at the rear of the property. The garage, as proposed, will allow a turn around to be used jointly with the adjacent property owners with whom they share a common drive. The applicant states the proposed placement of the garage will allow both properties owners' to maneuver to the street much easier. The applicant states that New Saint Francis Street is narrow, has limited on street parking and this garage addition will allow their vehicles to be parked inside and secure at night.

Three of the primary concerns relating to side and rear yard setbacks are the potential for the spread of fire from one property to another, water run-off onto adjacent properties, and the ability to properly maintain the proposed structure. Other concerns relate to privacy and adequate circulation of light and air.

In considering such applications, the Board has rarely allowed side yard and rear yard setback variances for less than 5-feet, and in allowing a 5-foot setback the proposed construction was typically "in-line" with an existing structure. In this instance, the applicant proposes to construct a 24' x 24' garage, which as proposed would be 3' from the (West) side property line and 2.13' from the (North) rear property line.

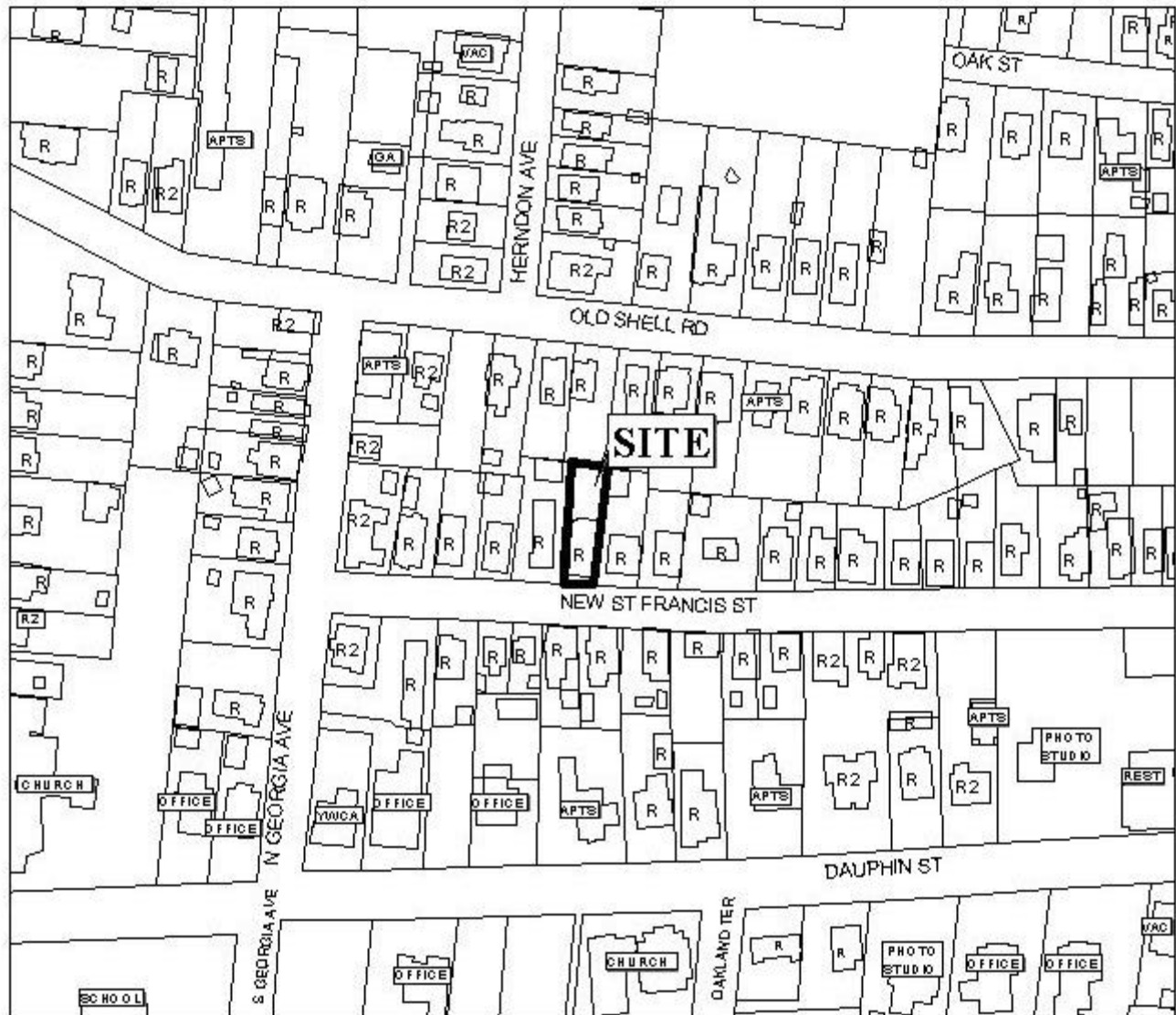
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct a garage within 3' of the (West) side property line, 2.13' within the (North) rear property line and for the addition to exceed the required 35% site coverage. Additionally, the applicant could shift the garage to comply with the setback requirements of the Zoning Ordinance, which would allow easy access for maintenance of the garage.

**RECOMMENDATION 5143****Date: December 2, 2002**

Based on the preceding, it is recommended that this application be denied.

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units, duplexes, and apartments.  
Offices, churches, a school, and a restaurant are located to the south of the site.

APPLICATION NUMBER 5143 DATE December 2, 2002

APPLICANT James M Brown

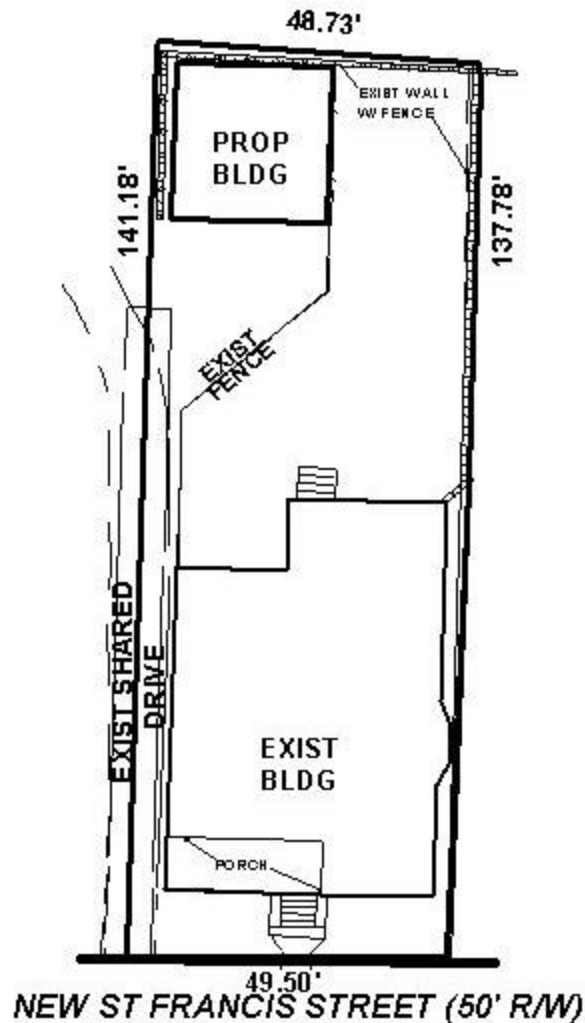
REQUEST Side Yard Setback, Rear Yard Setback, Site Coverage Variance

LEGEND												
	R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



NTS

## SITE PLAN



North side of New Saint Francis Street, 267' East of North Georgia Avenue, the site plan illustrates the existing building, proposed building, and existing drive.

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 APPLICANT James M Brown  
 USE/REQUEST Side Yard Setback, Rear Yard Setback, Site Coverage Variance



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