

APPLICATION NUMBER

**5176**

A REQUEST FOR

**REAR AND SIDE YARD SETBACK VARIANCES TO  
ALLOW THE ADDITION OF A BOATPORT AND TACKLE  
ROOM 1' FROM THE SIDE (SOUTH) PROPERTY LINE  
AND 1.5' FROM THE REAR (WEST) PROPERTY LINE; A  
MINIMUM REAR YARD SETBACK OF 8' AND A  
MINIMUM SIDE YARD SETBACK OF 8' IS REQUIRED  
FOR A 64.5' WIDE LOT IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT**

LOCATED AT

**304 MCDONALD AVENUE**

(West side of McDonald Avenue, 116'± South of Church Street)

APPLICANT/OWNER

**WILLIAM R. FAIRCLOTH**

**BOARD OF ZONING ADJUSTMENT**

MAY 2003

The applicant is requesting Rear and Side Yard Setback Variances to allow the addition of a boatport and tackle room 1' from the side (South) property line and 1.5' from the rear (West) property line; a minimum rear yard setback of 8' and a minimum side yard setback of 8' is required for a 64.5' wide lot in an R-1, Single-Family Residential District.

The applicant proposes a 15' x 22' cover over an existing concrete slab, and a 6' x 7' addition of a tackle room to an existing non-conforming structure. The boatport will be enclosed with lattice. The proposed construction will be within 1-foot of the side (South) property line and 1.5' from the rear (West) property line.

Three of the primary concerns relating to side 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 granted side yard setback variances for less than 5 feet, and in allowing a 5-foot setback, the proposed construction was typically "in-line" with the existing structure. The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. This site is located in the Leinkauf Historic District; however, as illustrated on the vicinity map, the lot is wider than the standard 60-foot wide lot, upon which setbacks are based. Another point to consider is that the addition could easily be configured to comply with all setbacks by simply downsizing the addition.

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.

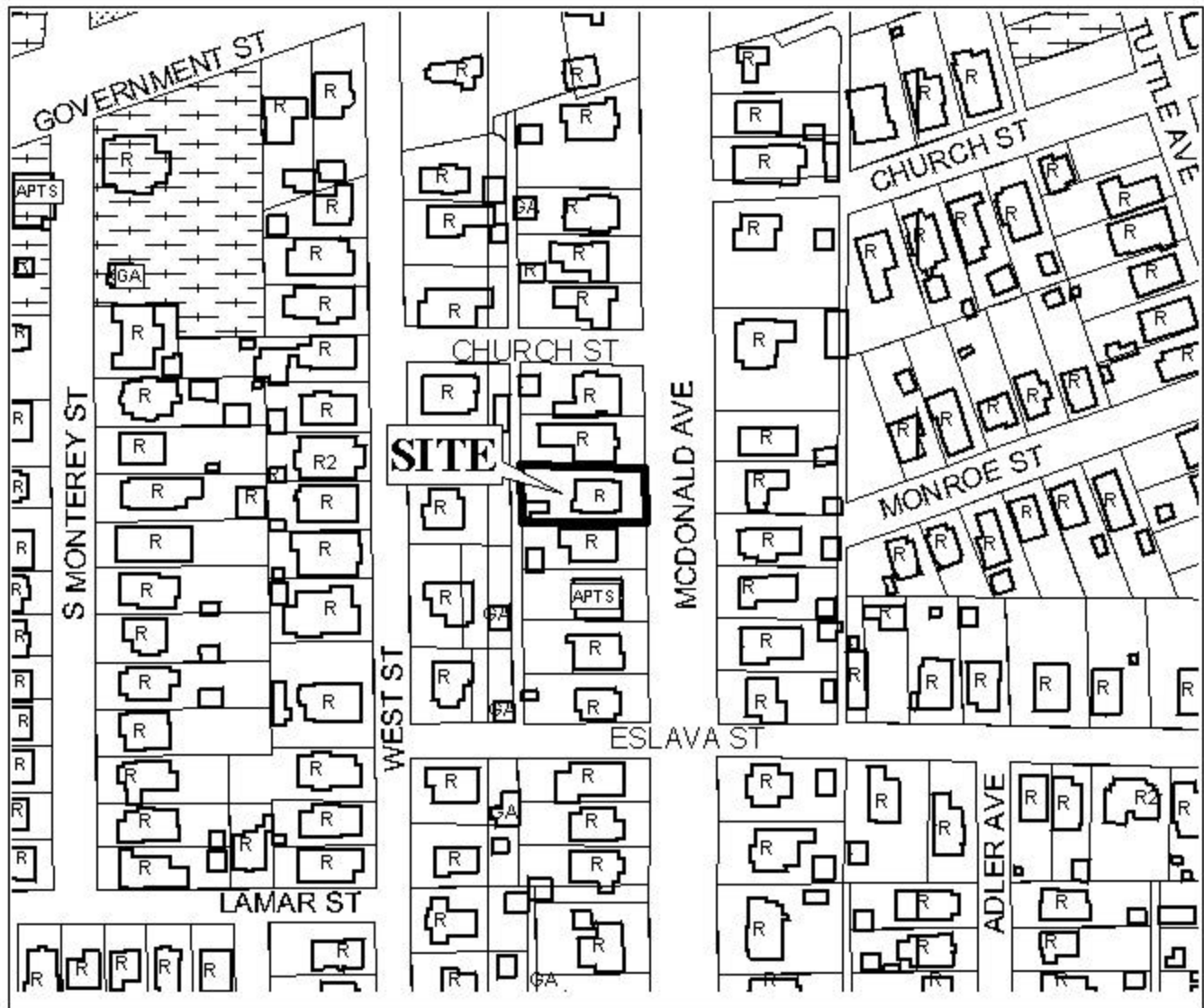
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct an addition of a boatport and tackle room 1' from the side (South) property line and 1.5' from the rear (West) property line. The applicant should consider reducing the size or configuration of the proposed additions to meet the minimum setback requirements.

**RECOMMENDATION 5176****Date: May 5, 2003**

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

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single and multi-family residential units. Apartments are located to the north and south of the site.

APPLICATION NUMBER 5176 DATE May 5, 2003

APPLICANT William R. Faircloth

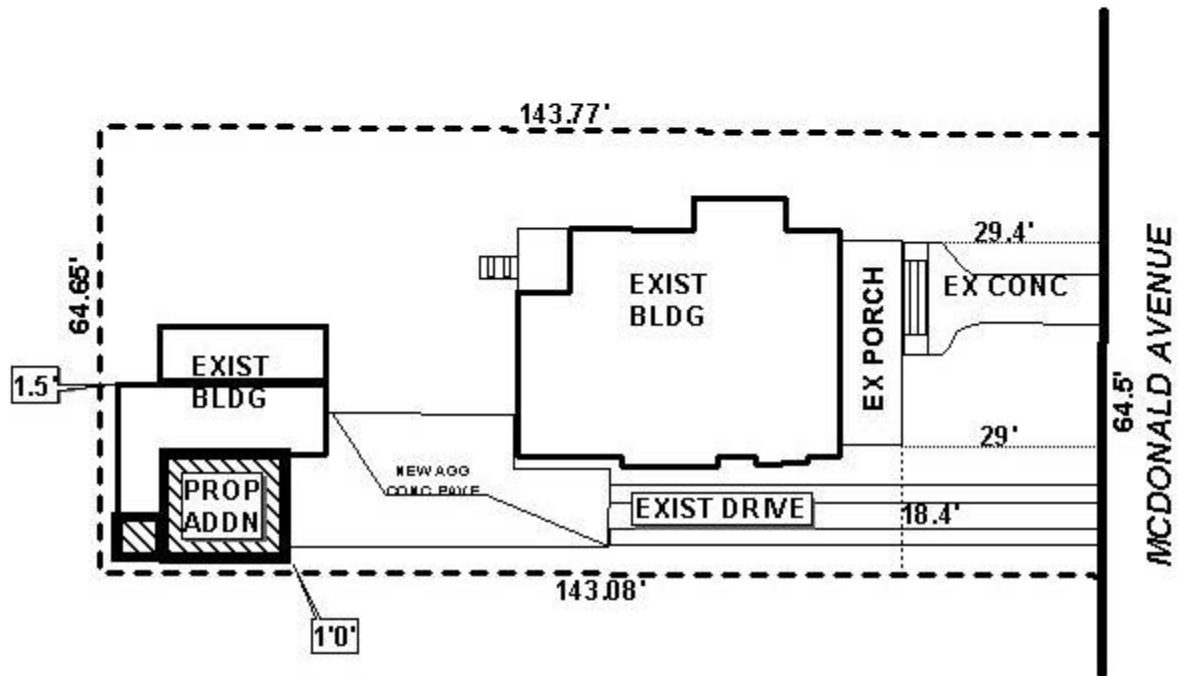
REQUEST Rear and Side Yard Setback Variance

LEGEND

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



## SITE PLAN



West side of McDonald Avenue, 116' South of Church Street, the site plan illustrates the existing buildings, drives, setbacks, concrete, and proposed setbacks and building additions

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USE/REQUEST Rear and Side Yard Setback Variance

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