

APPLICATION NUMBER

**5269**

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE  
CONSTRUCTION OF AN 10' X 12' STORAGE BUILDING  
2.4' FROM THE SIDE (NORTH) PROPERTY LINE; A  
MINIMUM SIDE YARD SETBACK OF 8' IS REQUIRED  
FOR A LOT 60' WIDE OR WIDER AT THE FRONT  
BUILDING SETBACK LINE IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT**

LOCATED AT

**323 SPRING HILL WOODS DRIVE WEST**

(West side of Spring Hill Woods Drive West, 1,000'± West of Border Drive West)

APPLICANT/OWNER

**GEORGE & DIANN L. RAGAZZO**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2004

The applicant is requesting a Side Yard Setback Variance to allow the construction of an 10' x 12' storage building 2.4' from the side (North) property line; a minimum side yard setback of 8' is required for a lot that is 60' wide or wider at the front building setback line in an R-1, Single-Family Residential District.

The applicant has constructed of a 10' x 12' detached storage building 2.4-feet from the side yard (North) property line. The storage building was built without permits or variance approval from the Board.

The applicant states in April 2003, the driveway was extended around the rear of the residence and a 10' x 12' slab for parking the applicant's third car was installed. In March 2004 the applicant decided to build the 10' x 12' storage building (over the existing slab) to store the applicant's motorcycles.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. However this site is located in a subdivision that was developed within the last 10 years, and as illustrated on the vicinity map, the site consists of a large lot which provides more than ample room for structures to comply with the setback requirements of the Zoning Ordinance. Additionally, the lot is much wider than the standard 60-foot wide lot, upon which setbacks are based.

The applicant states that moving the building would be very difficult and expensive; and if moved to any other location within the acceptable setbacks, could create serious erosion problems due to the slope of the lot. Additionally, moving the building to meet the 8-foot setback would place the building directly in front of the stairs of the existing deck and moving the building westward would require the removal of several large trees.

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.

There are several issues to consider, the garage could easily be configured to comply with all setbacks by simply moving the garage 6-foot southward and grading the lot to acceptable levels to prohibit erosion.

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

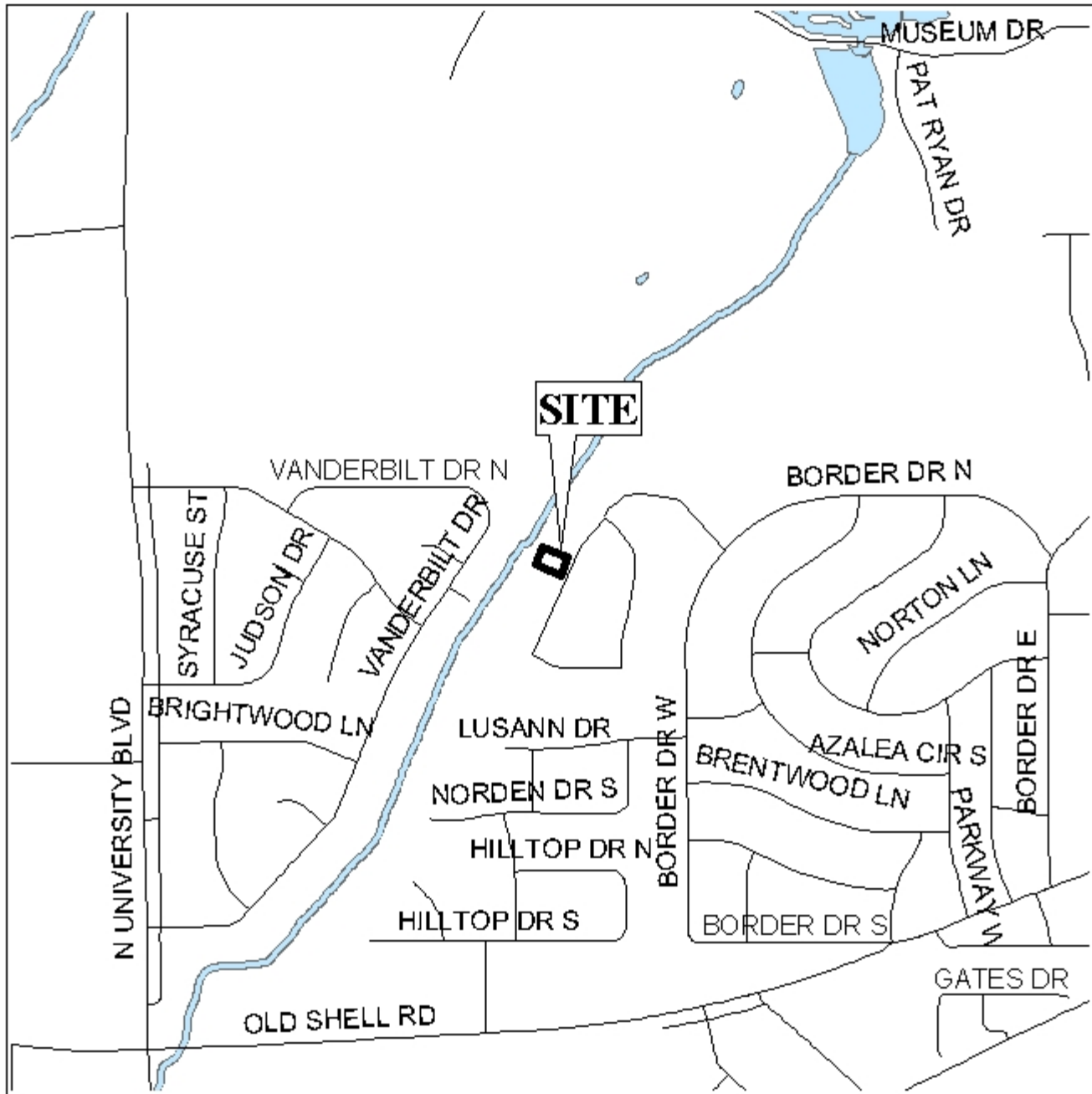
unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

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 construct a 10' x 12' storage building within 2.4' from the North side property line.

**RECOMMENDATION 5269****Date: November 1, 2004**

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

## LOCATOR MAP



APPLICATION NUMBER 5269 DATE November 5, 2004

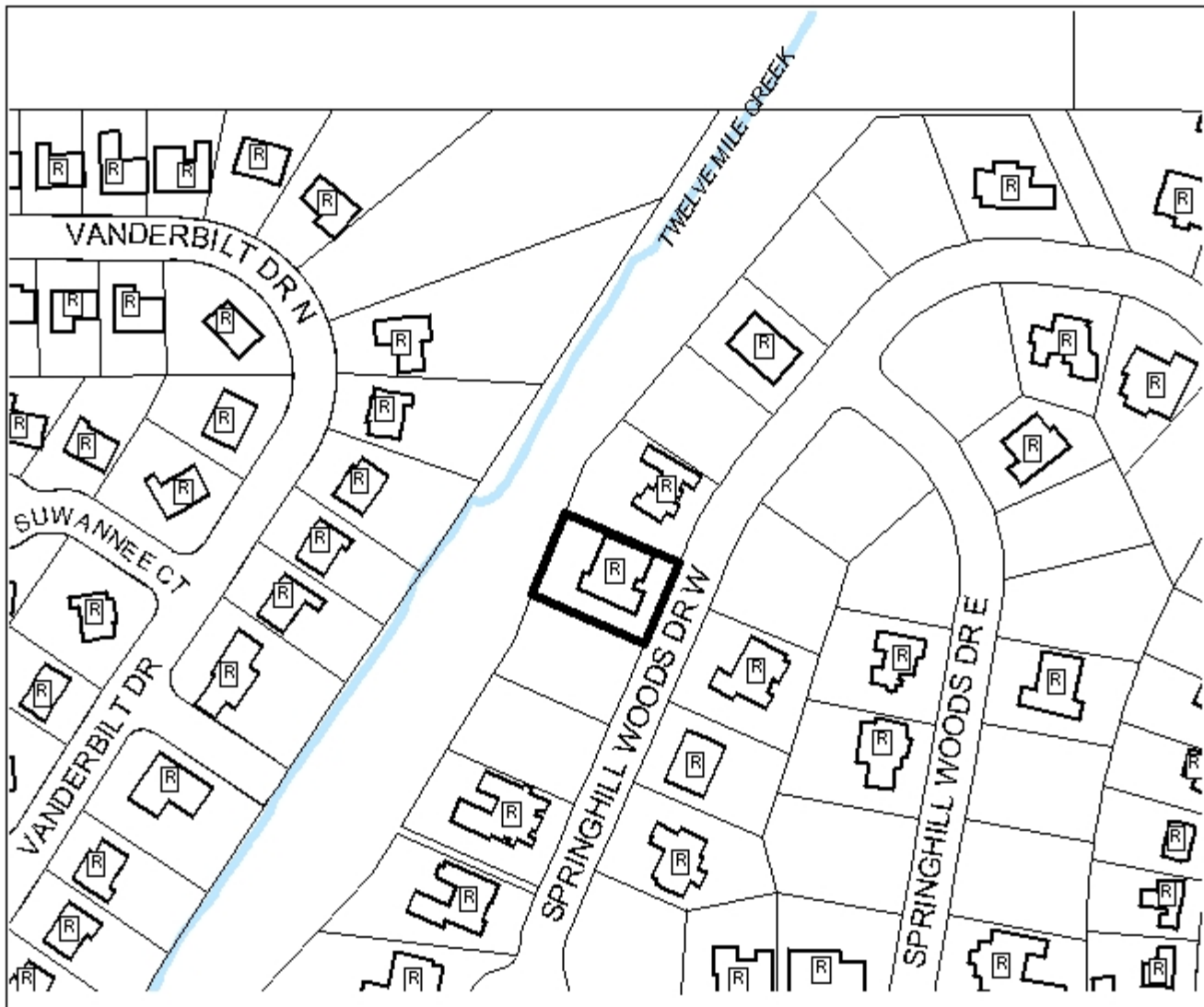
APPLICANT George and Diann L. Ragazzo

REQUEST Side Yard Setback Vaiance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

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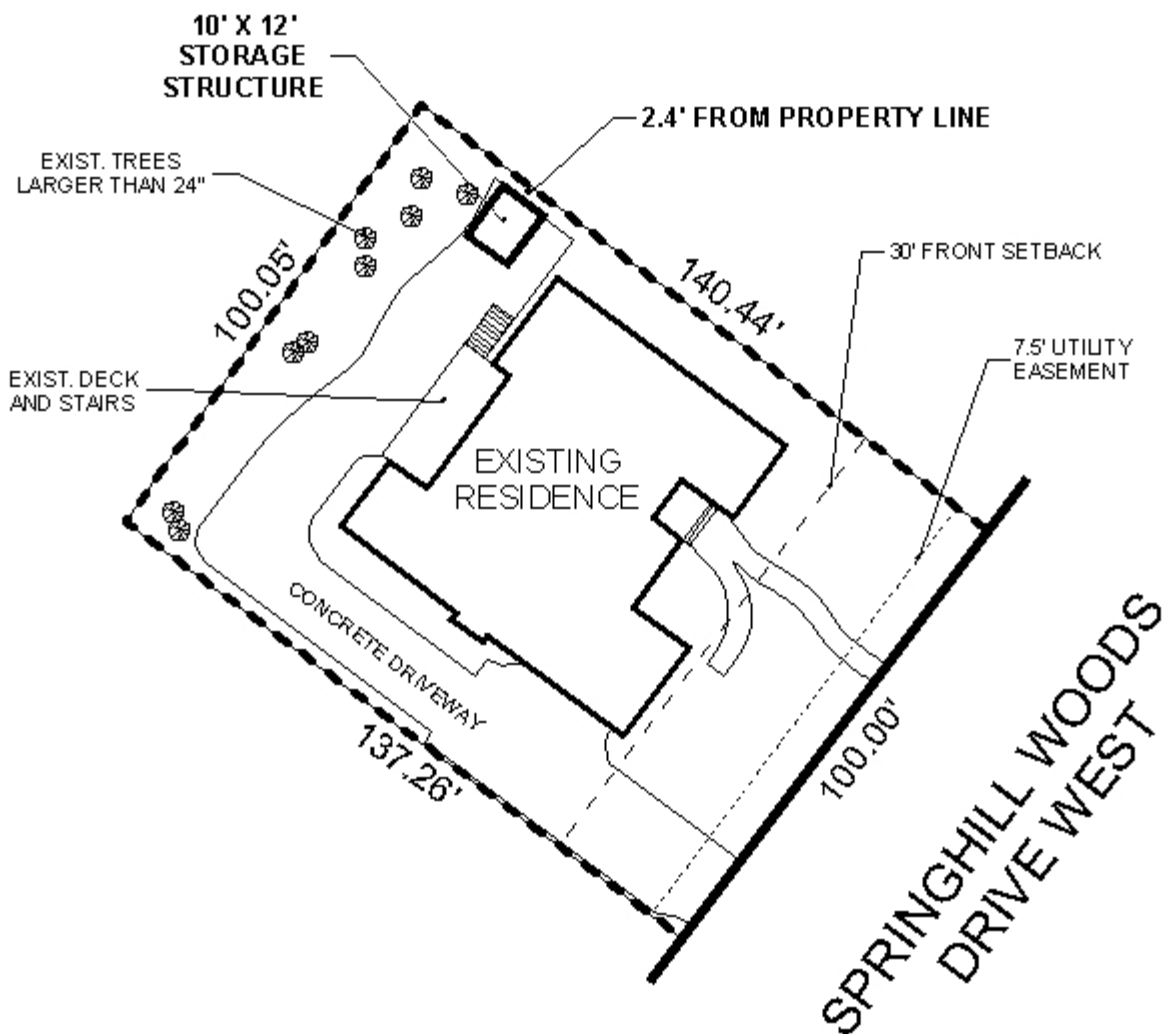
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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## SITE PLAN



The site is located on the West side of Spring Hill Woods Drive West, 1,000' West of Border Drive West. The plan illustrates the structures, paving and setbacks.

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