

APPLICATION NUMBER

5319

A REQUEST FOR

**SIDE YARD SETBACK AND REAR YARD SETBACK
VARIANCES TO ALLOW THE CONSTRUCTION OF A
SINGLE-FAMILY DWELLING WITHIN 5-FEET OF THE
(WEST) SIDE PROPERTY LINE, AND TO ALLOW THE
CONSTRUCTION OF A DETACHED 21' X 28' TWO-CAR
GARAGE/STORAGE STRUCTURE WITHIN 5-FEET OF
THE (EAST) SIDE PROPERTY LINE AND WITHIN 5-FEET
OF THE REAR PROPERTY LINE; 8' MINIMUM SIDE
YARD AND REAR YARD SETBACKS ARE REQUIRED ON
A 60' OR WIDER LOT IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT**

LOCATED AT

3511 IRENE STREET

(South side of Irene Street, 92'± West of Stillwood Lane)

APPLICANT/OWNER

BERNARD AUGUSTINE WOOD, IV

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2005

The applicant is requesting Side Yard and Rear Yard Variances to allow the construction of a single-family dwelling within 5-feet of the (West) side property line, and to allow the construction of a detached 21' x 28' two-car garage/storage structure within 5-feet of the (East) side property line and within 5-feet of the rear property line; an 8' minimum side yard and rear yard setbacks are required on a 60' or wider lot in a R-1 Single-Family Residential District.

The applicant is requesting relief from the side yard setback requirements due to the substantial slope of the property and the related water runoff from the neighboring properties. The applicant states that reducing the side yard setback will benefit, rather than harm, the neighboring properties. The applicant goes on to say the structures will be characteristic of other homes and garages in the area.

The applicant also states that with the limited space, the garage will need to be 5-feet from the side and rear property lines to give adequate maneuverability for vehicles. The applicant goes on to say that the adjacent property to the East has a garage within 3-feet from the side and rear property lines.

As illustrated on the Vicinity Map, several of the primary dwellings and accessory structures appear to encroach into the required side and rear yards within this neighborhood.

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.

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 dwelling within 5-feet from the (West) side property line and to construct a detached two-car garage/storage structure within 5-feet of the (East) side property line and within 5-feet of the rear property line.

RECOMMENDATION 5319**Date: September 12, 2005**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5319 DATE September 12, 2005

APPLICANT Bernard Augustine Wood, IV

REQUEST Side, Rear Yard Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units

APPLICATION NUMBER 5319 DATE September 12, 2005

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REQUEST Side, Rear Yard Variance

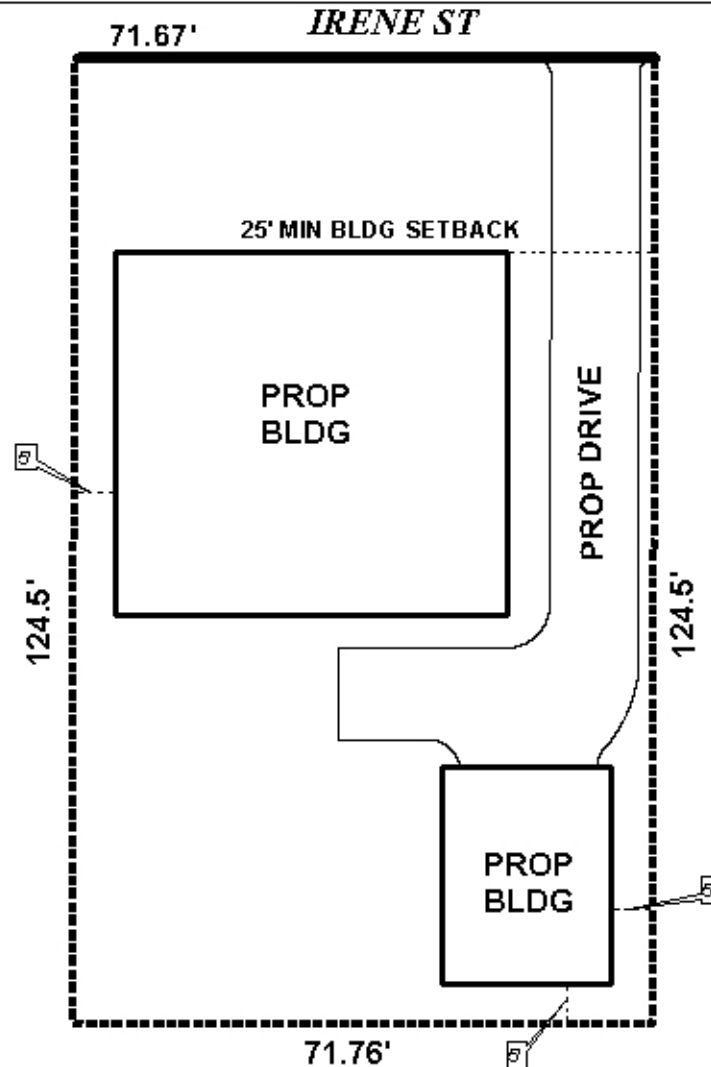
LEGEND

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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NTS



SITE PLAN



The site plan illustrates the proposed buildings, drive, and setbacks

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REQUEST Side Rear Yard Variance

