

APPLICATION NUMBER

5521

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A
FRONT PORCH ADDITION WITHIN 21.3' OF THE
FRONT PROPERTY LINE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A MINIMUM 25' FRONT YARD SETBACK IN
AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

563 MICHIGAN AVENUE

(East side of Michigan Avenue, 50'± North of California Street)

APPLICANT/OWNER

HUGH MICHAEL RILEY

AGENT

**ROWE SURVEYING AND ENGINEERING COMPANY,
INC.**

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2009

The applicant is requesting a Front Yard Setback Variance to allow a front porch addition within 21.3' of the front property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback in an R-1, Single-Family Residential District.

A building permit was obtained for the front porch addition, and the front yard setback indicated on the permit application was 35', but was apparently erroneously measured from the street curb instead of the actual front property line. A survey of the property indicates the front setback for the addition as 21.3' and hence this application.

The applicant states that the addition is not out of character with the neighborhood and has provided examples of neighboring properties where dwellings are built closer to the front property line. An analysis of GIS data confirms such.

A close examination of the site plan indicates the front porch addition is slightly closer than 21.3' from the front property line, actually about 20.6' due to the projection past the existing front wall line. The roof eave projection is indicated to be 19.1' from the front property line. This would still be in character with the surrounding neighborhood.

Although the site is not within a historic district, it is located in an older neighborhood that far predates the adoption of the current Zoning Ordinance. As constructed, the front porch addition maintains the residential character of the neighborhood and the Board has been mindful of the unique character of older areas when considering site variance applications.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Although the applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship, as built, the front porch addition is consistent with front yard setbacks typical of the neighborhood.

RECOMMENDATION 5521**Date: February 5, 2009**

Based upon the preceding, this application is recommended for approval to the as-built dimensions.

LOCATOR MAP



APPLICATION NUMBER 5521 DATE February 2, 2009

APPLICANT Hugh Michael Riley

REQUEST Front Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential units are located to the west, north and east of the site. Commercial land use is located to the south of the site.

APPLICATION NUMBER 5521 DATE February 2, 2009

APPLICANT Hugh Michael Riley

REQUEST Front Yard Setback Variance

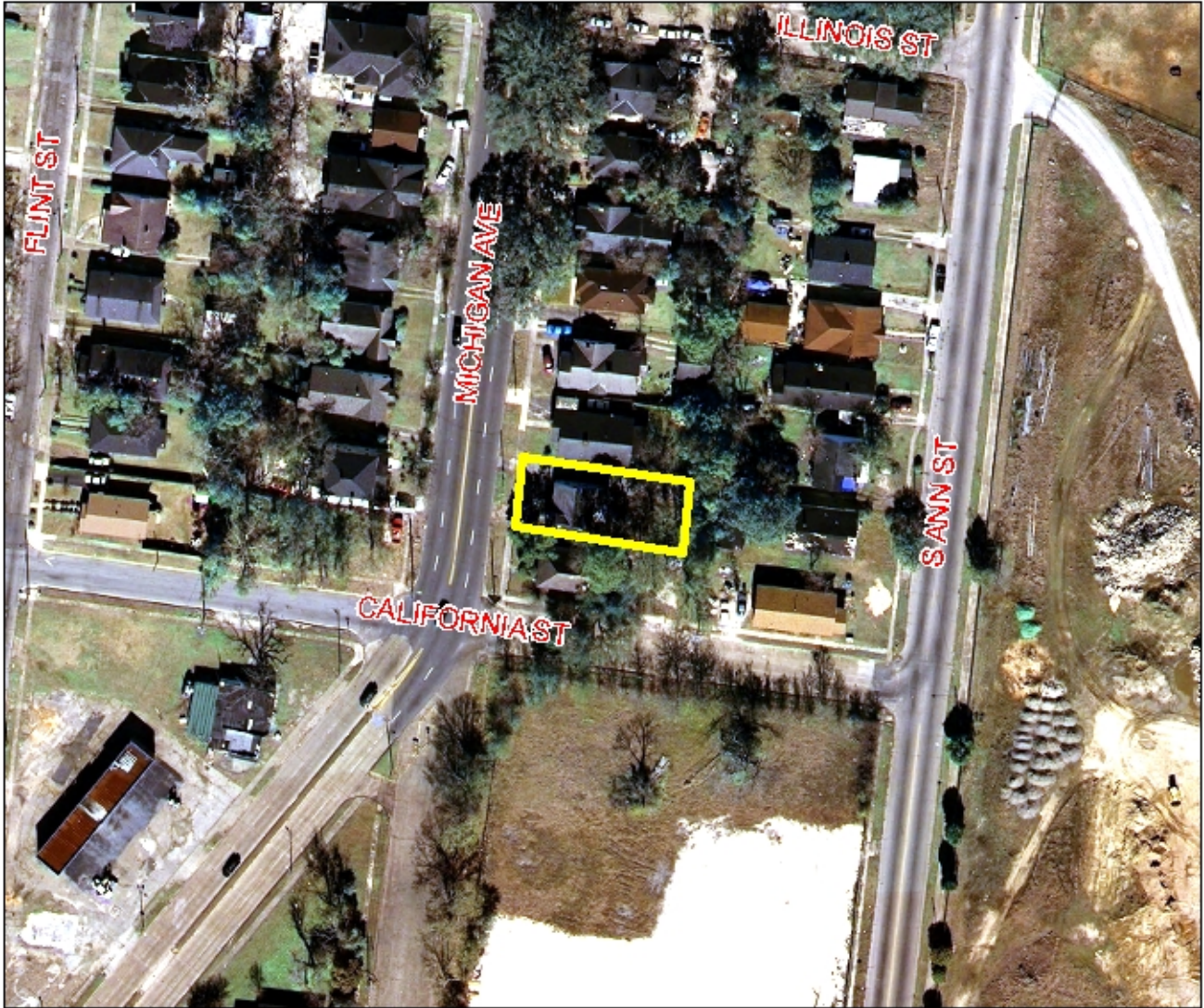
LEGEND

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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

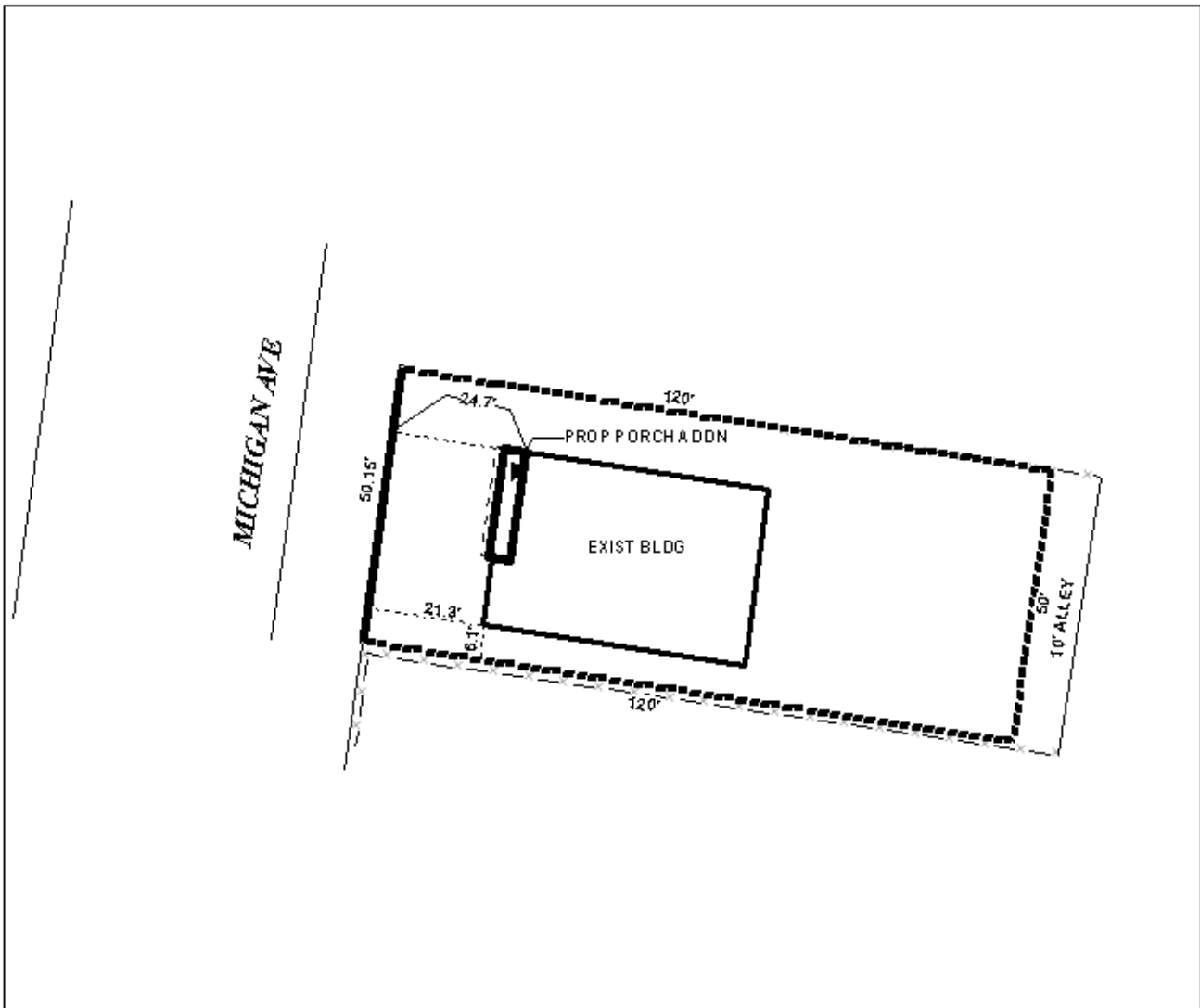


Residential units are located to the west, north and east of the site. Commercial land use is located to the south of the site.

APPLICATION NUMBER 5521 DATE February 2, 2009
APPLICANT Hugh Michael Riley
REQUEST Front Yard Setback Variance



SITE PLAN

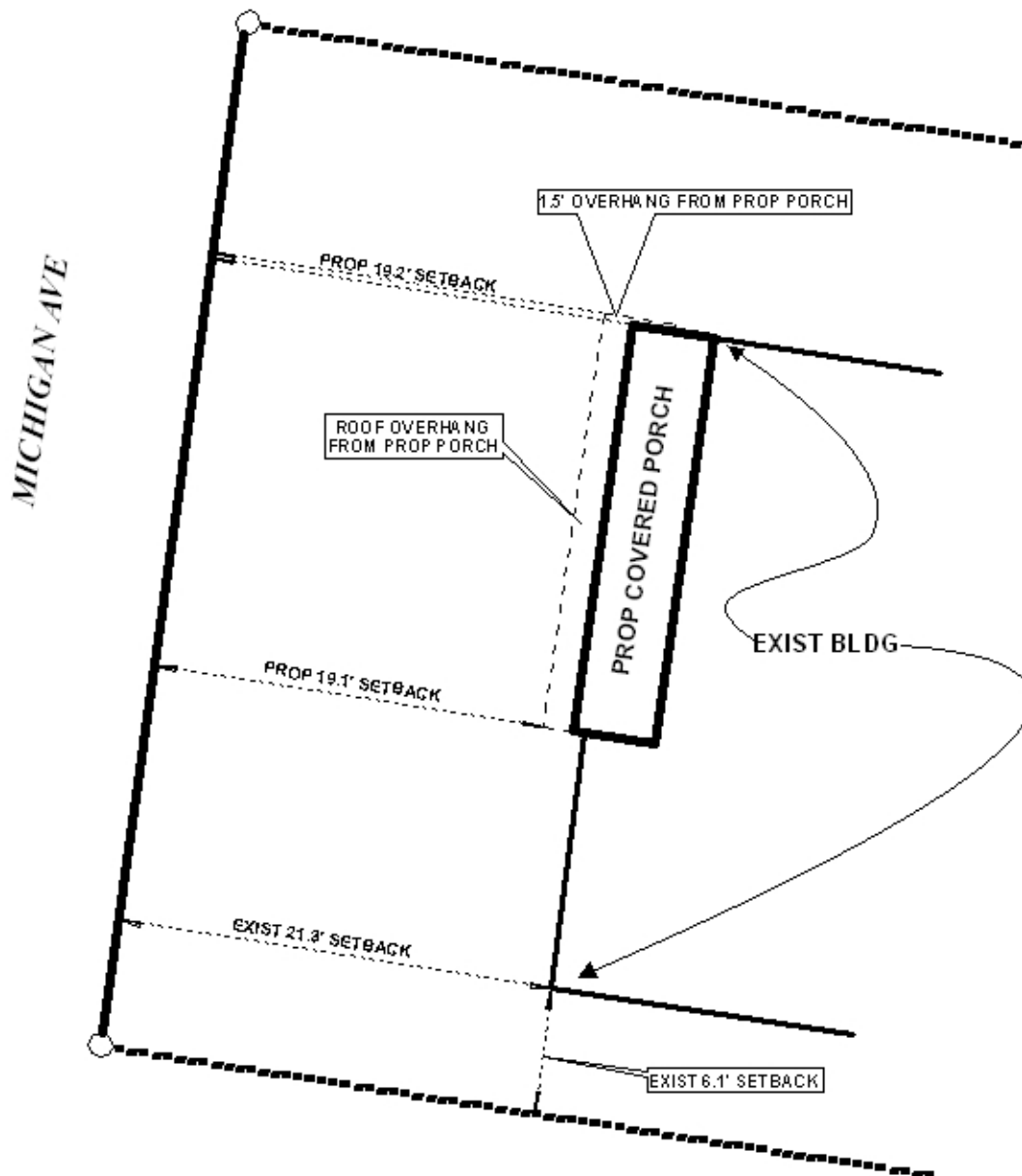


The site plan illustrates the existing residence and proposed porch addition

APPLICATION NUMBER 5521 DATE February 2, 2009
APPLICANT Hugh Michael Riley
REQUEST Front Yard Setback Variance

N
NTS

DETAIL SITE PLAN



APPLICATION NUMBER 5521 DATE February 2, 2009
APPLICANT Hugh Michael Riley
REQUEST Front Yard Setback Variance

