

APPLICATION NUMBER

5581

A REQUEST FOR

**FRONT YARD SETBACK, SIDE YARD SETBACK,
COMBINED SIDE YARD SETBACK, AND BUILDING SITE
COVERAGE VARIANCES TO ALLOW AN ADDITION TO
AN EXISTING STRUCTURE 21.8 FEET FROM THE
FRONT PROPERTY LINE, 9.4 FEET FROM THE SIDE
STREET PROPERTY LINE, COMBINED SIDE YARDS OF
13.3 FEET, AND BUILDING SITE COVERAGE OF 38% ON
A 50-FOOT WIDE LOT IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A FRONT YARD SETBACK OF 25 FEET, A
SIDE STREET YARD SETBACK OF 12.9 FEET,
COMBINED SIDE YARDS OF 16.7 FEET, AND A
MAXIMUM SITE COVERAGE OF 35% IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

18 MOHAWK STREET

(Northwest corner of Mohawk Street and Homewood Street)

APPLICANT / OWNER

WILLIAM EDMUND MONAHAN

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting Front Yard Setback, Side Yard Setback, Combined Side Yard Setback, and Building Site Coverage Variances to allow an addition to an existing structure 21.8 feet from the front property line, 9.4 feet from the side street property line, combined side yards of 13.3 feet, and building site coverage of 38% on a 50-foot wide lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a front yard setback of 25 feet, a side street yard setback of 12.9 feet, combined side yards of 16.7 feet, and a maximum site coverage of 35% in an R-1, Single-Family Residential District.

The dwelling predates the Zoning Ordinance and currently does not meet side yard, side street yard, combined side yard setbacks, or site coverage. The proposed addition would further expand the nonconformity of the structure, hence this variance.

The applicant states that while completing repairs for major termite damage, they extended the front of the house toward Mohawk Street to a point that the eaves lined up with the eaves of a small roof cover over the front porch. The applicant did this thinking there would be no problem, but the house is now 21.8 feet from the front property line. The applicant also states that other dwellings in the neighborhood have substandard setbacks, with some being 4-7 feet from the front property lines. The applicant states that this addition will not have a negative impact on the neighborhood. With that said, the applicant feels that the request is in character with other houses in the vicinity.

Because the lot on which the dwelling is constructed is a corner lot, Section 64-4.D.3 of the Zoning Ordinance requires a larger side yard from corner lots in order to reduce line-of-sight issues for properties facing the side street to the rear of the subject property.

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.

The existing house meets front setbacks even with the porch. With regard to other dwellings in the vicinity having substandard setbacks, information has been provided to substantiate the applicant's argument however, none of the examples provided occur along Mohawk or Homewood Streets. Furthermore, many substandard setbacks in this area would enjoy a legal non-conforming status, as most of the neighborhood was

developed prior to the adoption of the Zoning Ordinance. As proposed, the addition creates a front yard non-conformance over the original structure via a 3.2 x 17 foot encroachment. The Board has been mindful of the unique character of older areas when considering site variance applications; and the proposed addition maintains the residential character of the neighborhood; however, approval of this request will create a precedent along Mohawk Street of allowing living space, versus porches, to encroach into the required front yard setback. An analysis of GIS data shows that most structures do meet setbacks along Mohawk Street and in the neighborhood, and that the majority of setback encroachments are for open porches, not habitable space.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. Any problems faced by the applicant would be self-imposed.

RECOMMENDATION 5581**Date: December 7, 2009**

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

LOCATOR



APPLICATION NUMBER 5581 DATE December 7, 2009

APPLICANT William Edmund Monahan

REQUEST Front Yard Setback, Side Yard Setback, Combined Side Yard Setback, and Building Site Coverage Variances

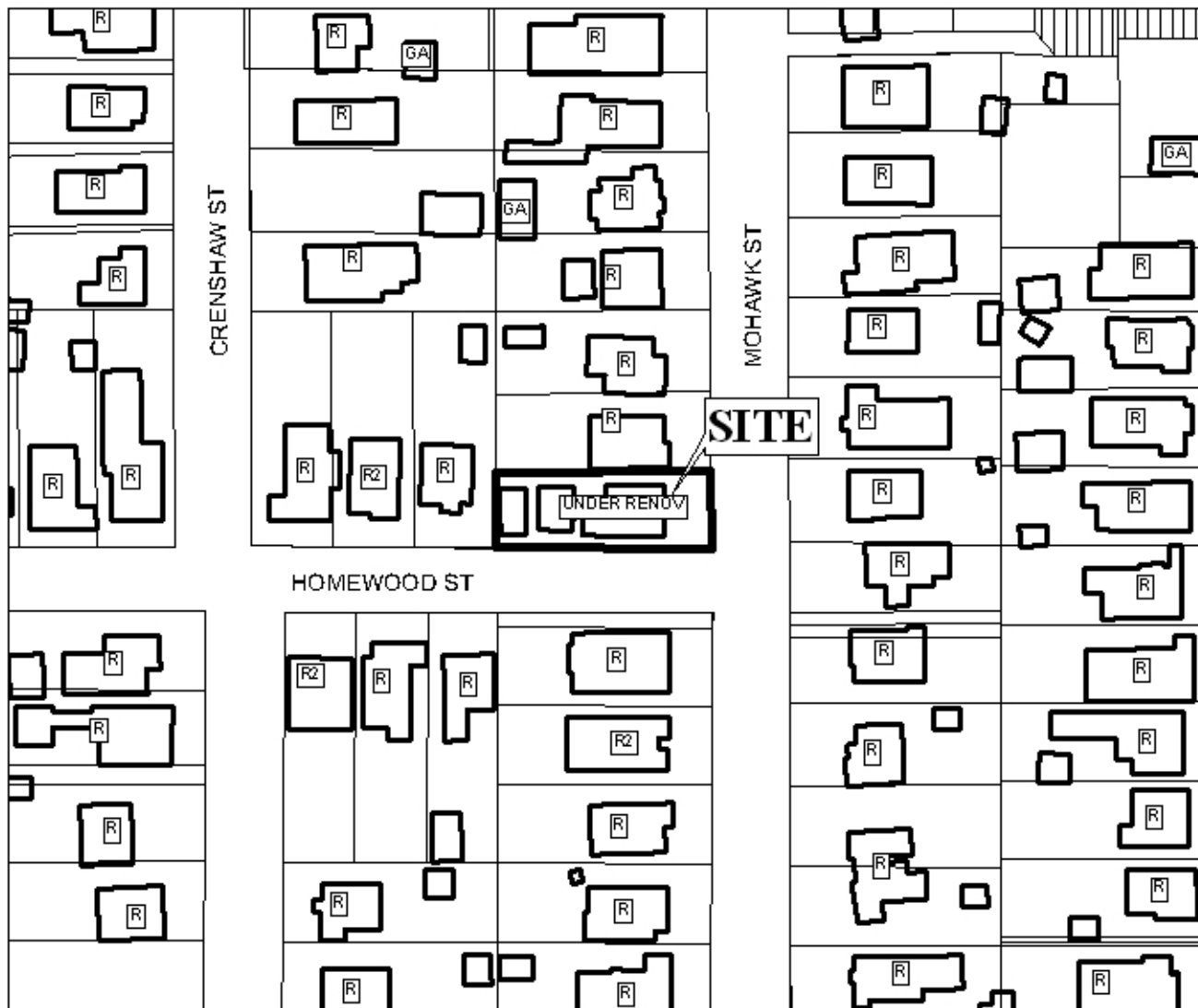
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NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

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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



This site is surrounded by residential land use.

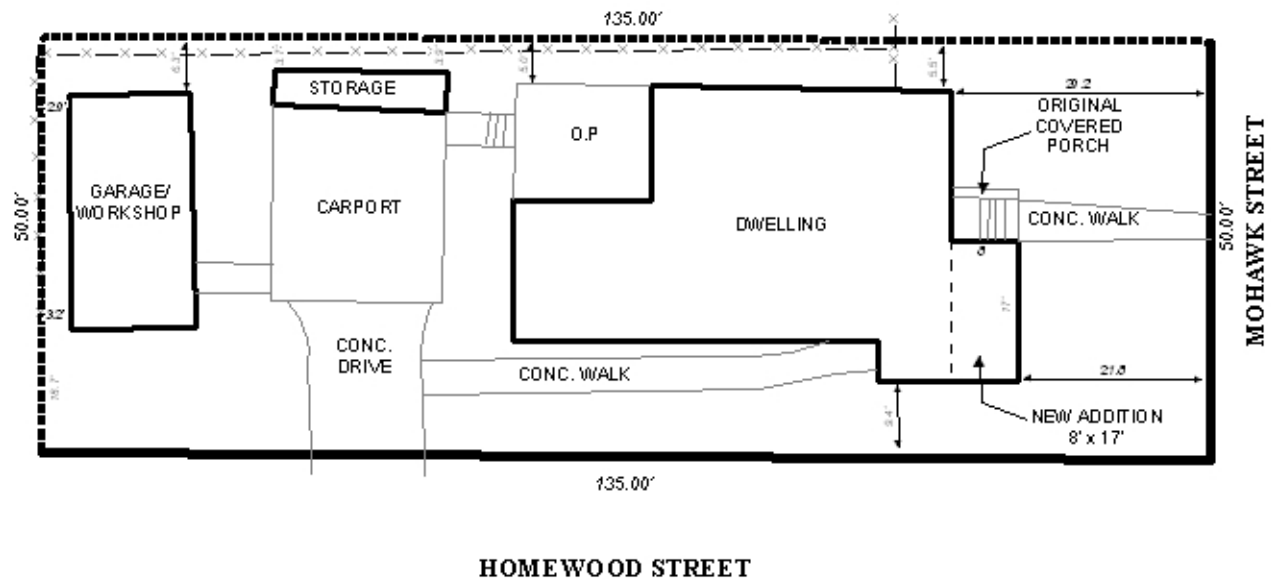
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SITE PLAN



This site plan illustrates the existing structures, new dwelling addition, and setbacks.

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