

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 14, 2011**

<u>CASE NUMBER</u>	5660
<u>APPLICANT NAME</u>	Gloria Sterling
<u>LOCATION</u>	1452 Fleetwood Drive East (West side of Fleetwood Drive East, 250'± North of Morningside Drive)
<u>VARIANCE REQUEST</u>	SETBACKS: Allow an addition to be constructed within 4.5 feet of a side property line with a side yard sum of 16.5 feet.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACKS: A minimum side yard of eight (8) feet and a side yard sum of 20 feet.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.2 Acre ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Side Yard Setback Variance to allow an addition to be constructed within 4.5 feet of a side property line with a side yard sum of 16.5 feet in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard of eight (8) feet and a side yard sum of 20 feet.

The applicant wishes to construct a 913 square foot addition consisting of a storage room, master bedroom, and covered patio to the existing non-conforming dwelling. Because the existing structure is not parallel to the property line, the site plan depicts that the new addition will encroach further into the required side yard than the structure currently does.

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.

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 applicant does not specifically state what the hardship on the property is, if any. Further, the plans submitted indicate that the portion of the structure that will encroach into the required setback will be a storage room, and not livable area, meaning that the section that is proposed to be out of compliance could be eliminated without affecting the bulk of the project. Given that no justifiable hardship exists, the request should be denied.

RECOMMENDATION

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

LOCATOR MAP



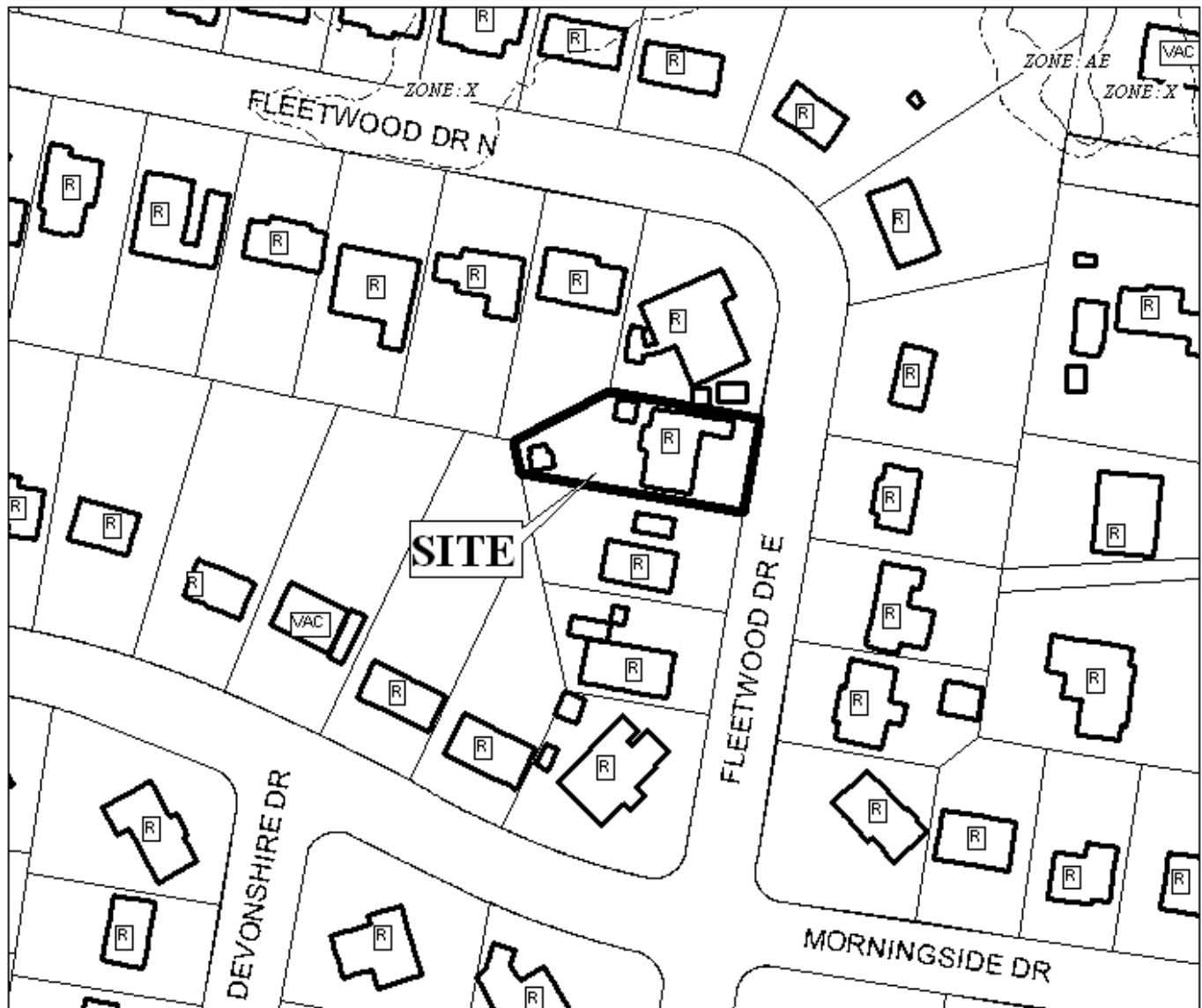
APPLICATION NUMBER 5660 DATE March 14, 2011

APPLICANT Gloria Sterling

REQUEST Side Yard and Combined Side Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 5660 DATE March 14, 2011

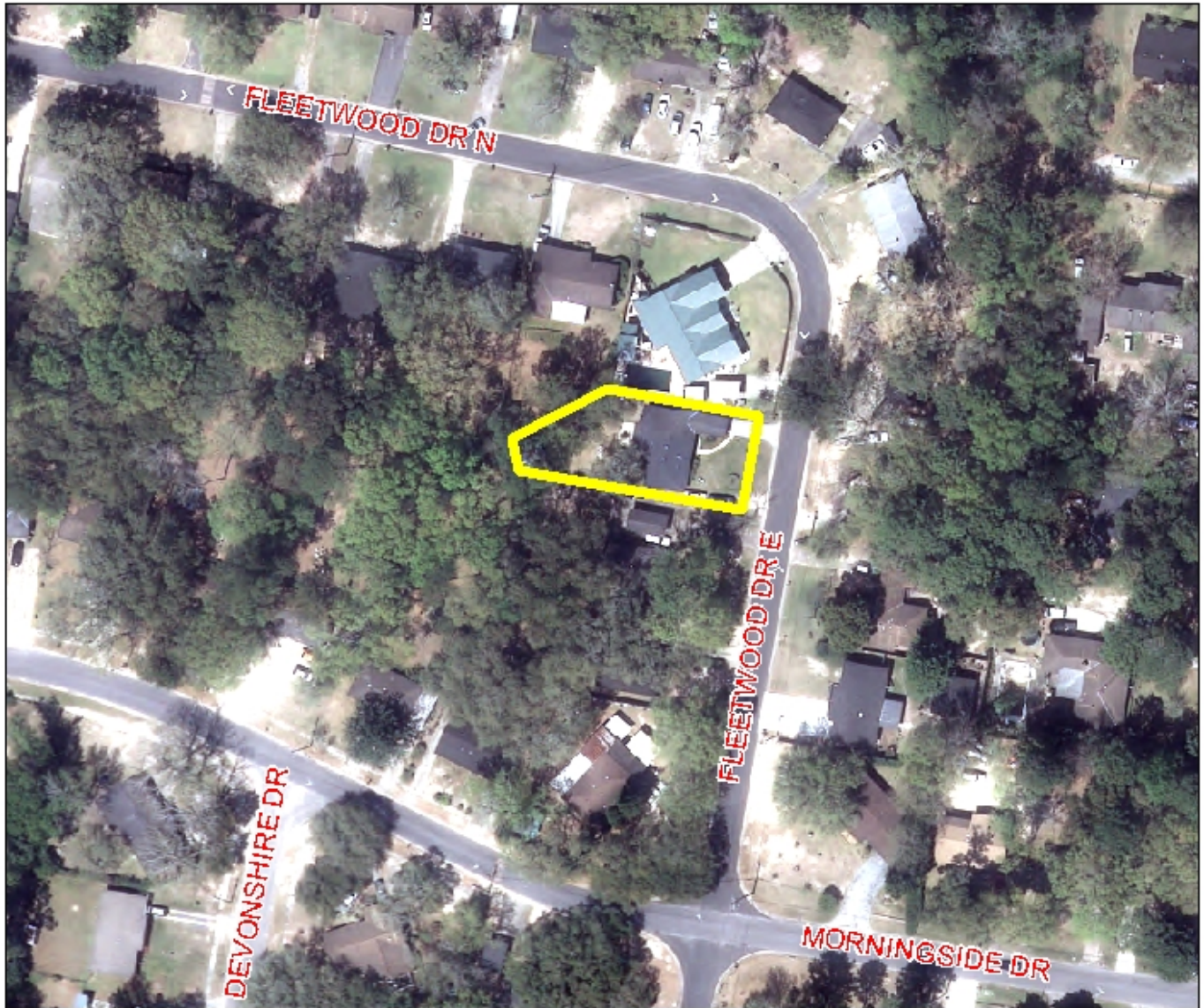
APPLICANT Gloria Sterling

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

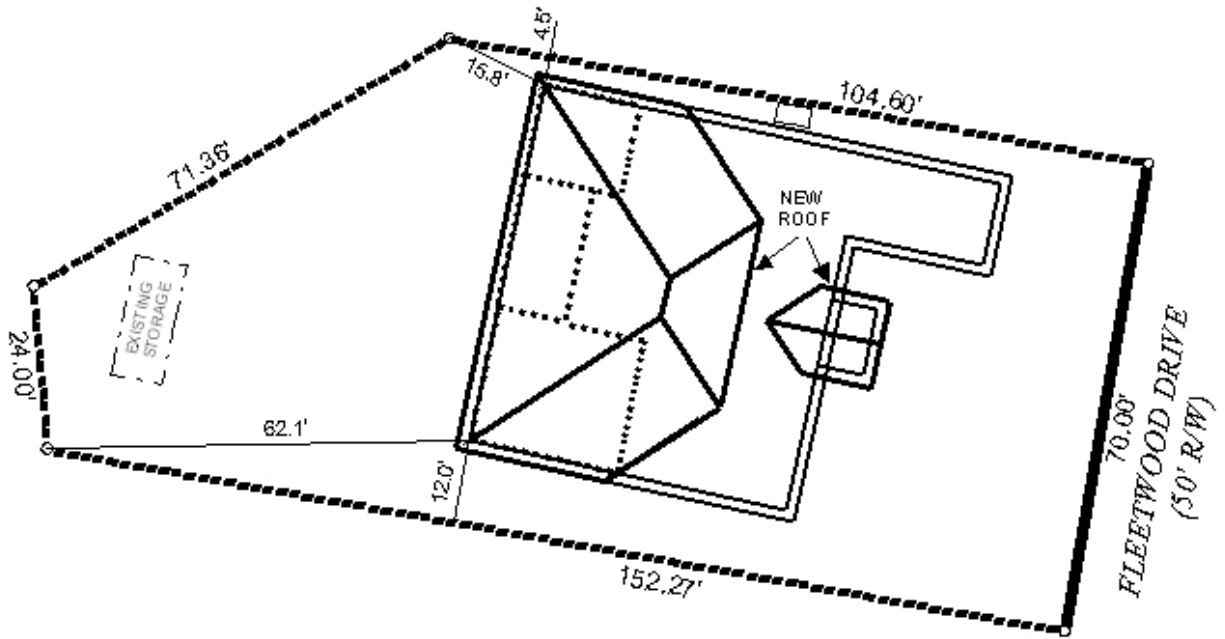
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SITE PLAN



The site illustrates the proposed addition.

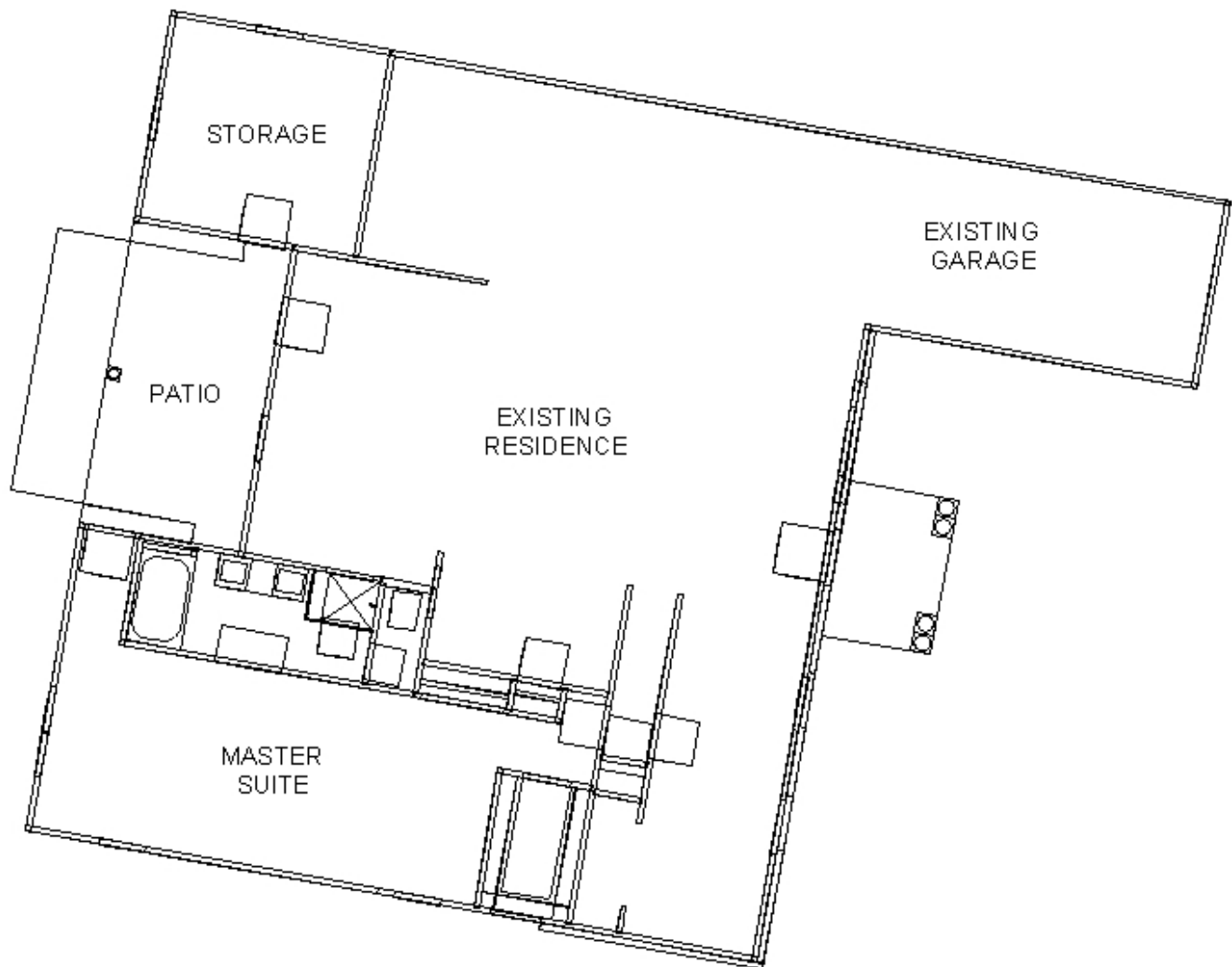
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DETAIL SITE PLAN



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