

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 2, 2012****CASE NUMBER**

5759

**APPLICANT NAME**

Randall Lanier Wood

**LOCATION**4812 Pine Court  
(North side of Pine Court, 120'± East of Ridgelawn Drive East)**VARIANCE REQUEST****SETBACK:** Side Yard Setback to allow the construction of a carport within 2.6 feet of the side property line in an R-1, Single Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****SETBACK:** Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) in an R-1, Single-Family Residential District.**ZONING**

R-1, Single Family Residential

**AREA OF PROPERTY**

0.31 ± Acres

**ENGINEERING  
COMMENTS***The proposed carport will be located within an existing drainage easement. Engineering has already recommended approval of the vacation of this easement.***TRAFFIC ENGINEERING  
COMMENTS**

No Comments

**CITY COUNCIL  
DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting Side Yard Setback to allow the construction of a carport within 2.6 feet of the side property line in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) lot in an R-1, Single-Family Residential District.

The applicant proposes to build an approximately 529 square foot two-car carport over the existing driveway with a covered walkway connecting to the house. The applicant states that the

carport is needed in order to provide protection from exposure to rain, sun, and excessive heat for his wife who is undergoing cancer treatment.

The location of the proposed carport extends approximately 4 feet into a 7.5 feet wide drainage and utility easement on the West side of the property. The applicant has begun the process to have the easement vacated; however, despite the fact that Traffic Engineering, Engineering, Fire, Police, Planning, and Real Estate have all responded to the request with no objections, the City Clerk is unable to proceed with the vacation process until the applicant submits a declaration of vacation signed by all property owners and letters of consent from all utility companies. Once the required documentation is submitted, a notice of a public hearing will be advertised for four weeks after which the City Council will hold a public hearing and approve or disapprove the vacation.

According to the site plan submitted by the applicant, the proposed addition will bring the total site coverage to approximately 24%. However, it should be noted that there is a 271 square foot covered deck illustrated on the site plan. There appear to be no building permits that have been obtained for the structure which is located on the rear and side property line as well as in the easement the carport is proposed to be located in.

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.

There are existing utilities that prevent the carport from being placed closer to the house. Even if these utilities were relocated, the carport would extend into the required 8 foot setback as well as the 7.5 foot drainage and utility easement. However, the applicant states that the primary reason behind the request for a reduced side yard setback is for the provision of a carport for his wife who is undergoing cancer treatment. There is adequate room for a one-car carport to be constructed without encroaching into the required side yard setback or drainage and utility easement. Furthermore, if the driveway were extended, it would be possible to locate a two-car carport behind the house without encroaching into any setbacks.

It should also be noted that as illustrated on the submitted site plan, the walkway connecting the carport to the house extends approximately 1 foot into the 30 foot front yard setback. The applicant can submit a 1-lot subdivision to have the 30 foot front yard setback reduced to the standard 25 foot requirement, or revise the proposed location of the walkway to not encroach into the front yard setback.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The proposed carport could be repositioned to be located behind the existing dwelling or reconfigured to accommodate only one-car with the covered walkway altered slightly and would fulfill the applicant's desire to provide protection from rain, sun, and excessive heat for his wife while not encroaching into the required side yard setback, front yard setback, or easement, illustrating a self-imposed hardship.

**RECOMMENDATION:**

Based on the preceding, this application is recommended

for denial.

***Revised for the August 6, 2012 meeting:***

*The application was heldover from the July 5, 2012 meeting at the Board's request to allow the applicant time to revise the site plan. A revised site plan was submitted which depicts the proposed carport to be 5.5 feet from the side property line instead of the previously proposed 2.6 feet. Also, the revised site plan depicts a 144 square foot workshop to be located at the rear of the carport and also 5.5 feet from the side property line. Furthermore, the previously illustrated walkway which connected the carport to the existing residence has been removed.*

*It should be also be remembered that there is a 271 square foot covered deck illustrated on the site plan that appears to have had no building permits issued. The structure is located on the rear and side property lines, as well as in the easement the carport is proposed to be located in.*

*While the applicant has revised the site plan to illustrate less of an encroachment into the required side yard setback, no hardship has been provided to justify the side yard setback variance. It should also be noted that the addition of a workshop means that there will be more structures not in compliance with the Zoning Ordinance. As mentioned previously, the carport can be relocated or made smaller so that there would be no encroachment into the side yard setback.*

**RECOMMENDATION:**

Based on the preceding, this application is recommended

for denial.

# LOCATOR MAP



APPLICATION NUMBER 5759 DATE August 6, 2012

APPLICANT Randall Lanier Wood

REQUEST Side Yard Setback Variance



NTS

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING











The site is surrounded by single-family residences.

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REQUEST Side 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



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

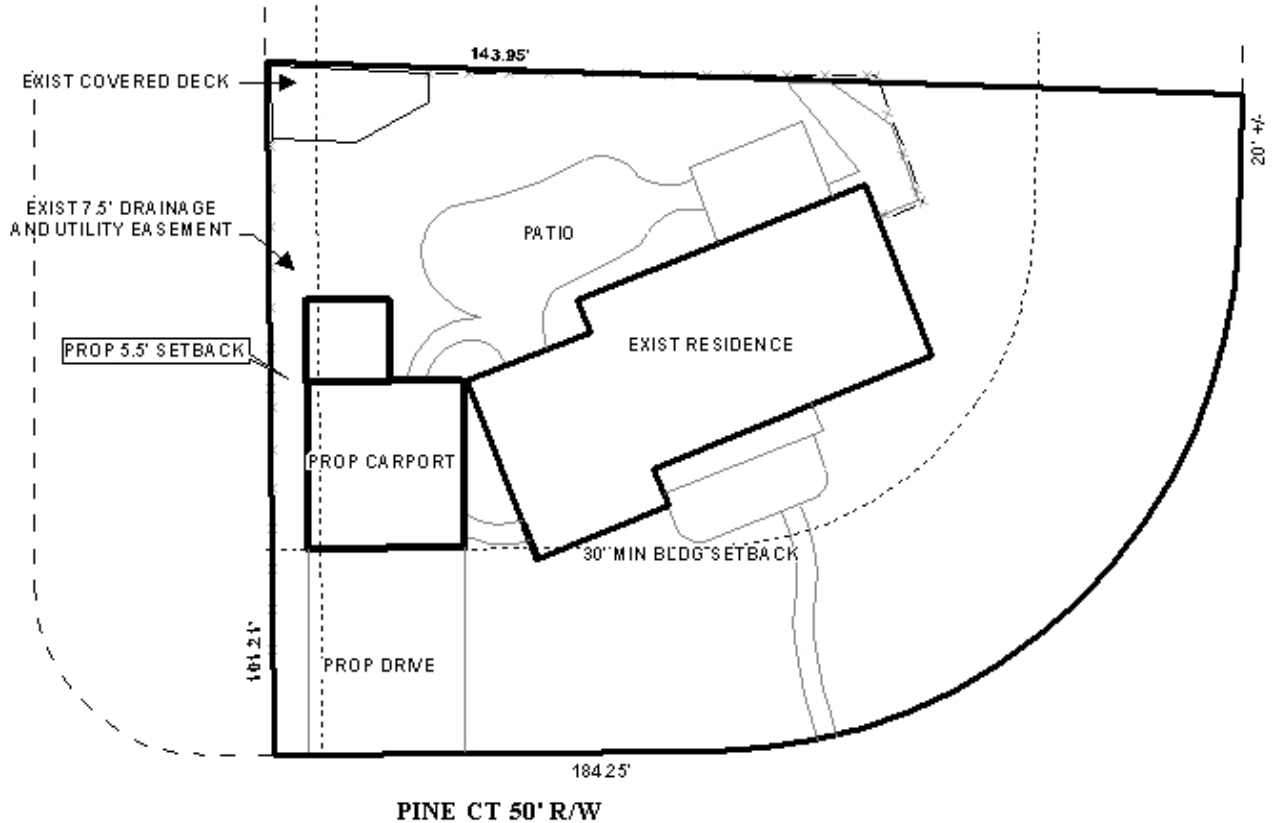


The site is surrounded by single-family residences.

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# SITE PLAN



The site plan illustrates the existing residence, proposed carport addition, and proposed driveway.

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