

APPLICATION NUMBER

**5198**

A REQUEST FOR

**SIDE YARD AND COMBINED SIDE YARD VARIANCES TO ALLOW THE CONSTRUCTION OF A 17' X 22' ADDITION (374 SQUARE FEET) TO AN EXISTING DWELLING WITHIN 1.8' OF THE SIDE (NORTH) PROPERTY LINE AND TO ALLOW A COMBINED SIDE YARD TOTAL OF 16.1'; A 7.1' MINIMUM SIDE YARD SETBACK AND A 16.6' COMBINED SIDE YARD TOTAL ARE REQUIRED FOR A 50' WIDE LOT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

**133 SILVERWOOD STREET**

(West side of Silverwood Street, 545'  $\pm$  South of Spring Hill Avenue)

APPLICANT/OWNER

**EDDIE CURRAN**

**BOARD OF ZONING ADJUSTMENT**

SEPTEMBER 2003

The applicant is requesting Side Yard and Combined Side Yard Variances to allow the construction of a 17' x 22' addition (374 square feet) to an existing dwelling within 1.8' of the side (North) property line and to allow a combined side yard total of 16.1'; a 7.1' minimum side yard setback and a 16.6' combined side yard total are required for a 50' wide lot in an R-1, Single-Family Residential District.

The applicant states that the 17' x 22' addition along the (North) side of the existing dwelling will contain a master bedroom and bathroom that will be in-line with the existing structure. However, the proposed addition of a 4' x 5' covered porch will be within 1.8' of the (North) side property line.

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.

In considering such applications, the Board has rarely granted side yard setback variances for less than 5 feet, and in allowing a 5-foot setback, the proposed construction was typically "in-line" with the existing structure. In this instance, the side yard variance is to allow a master bedroom and bathroom room, which as proposed is in-line with the existing dwelling approximately 5'10" from the (North) side property line. However, the applicant also proposes to construct a 4' x 5' covered porch attached to the side of the proposed master bedroom addition; this porch would be 1.8-feet from the side (North) property line.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. As outlined above the proposed bedroom and bathroom addition would be in-line with the existing structure. Furthermore, the addition would provide a five-foot side yard setback and would thus be consistent with the Board's policy of granting side yard setback in hardships.

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 proposed bedroom/bathroom addition would be in character with the surrounding area and would comply with the spirit of the Ordinance, as well as the Board of Adjustment policy and practice. However, at one-foot, eight-inches, the proposed porch

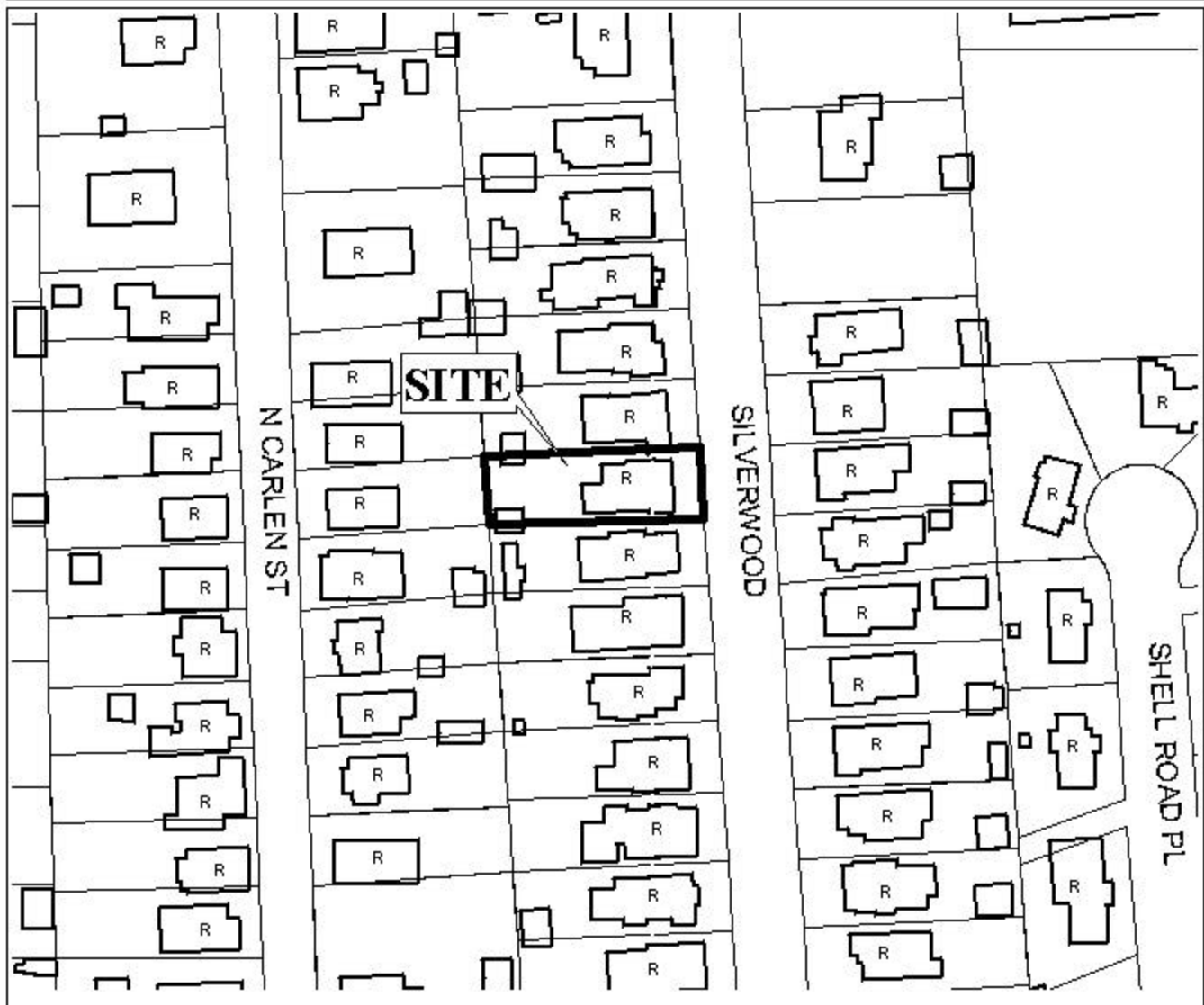
would not be consistent with the Board's policy of granting side yard setback variance for additions that are not in-line with the existing structure and provide a minimum side yard setback of 5-feet.

**RECOMMENDATION 5198****Date: September 8, 2003**

---

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the provision of a minimum five foot side yard setback along the (North) side property line; and 2) the provision of gutters and downspouts.

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

APPLICATION NUMBER 5198 DATE September 8, 2003

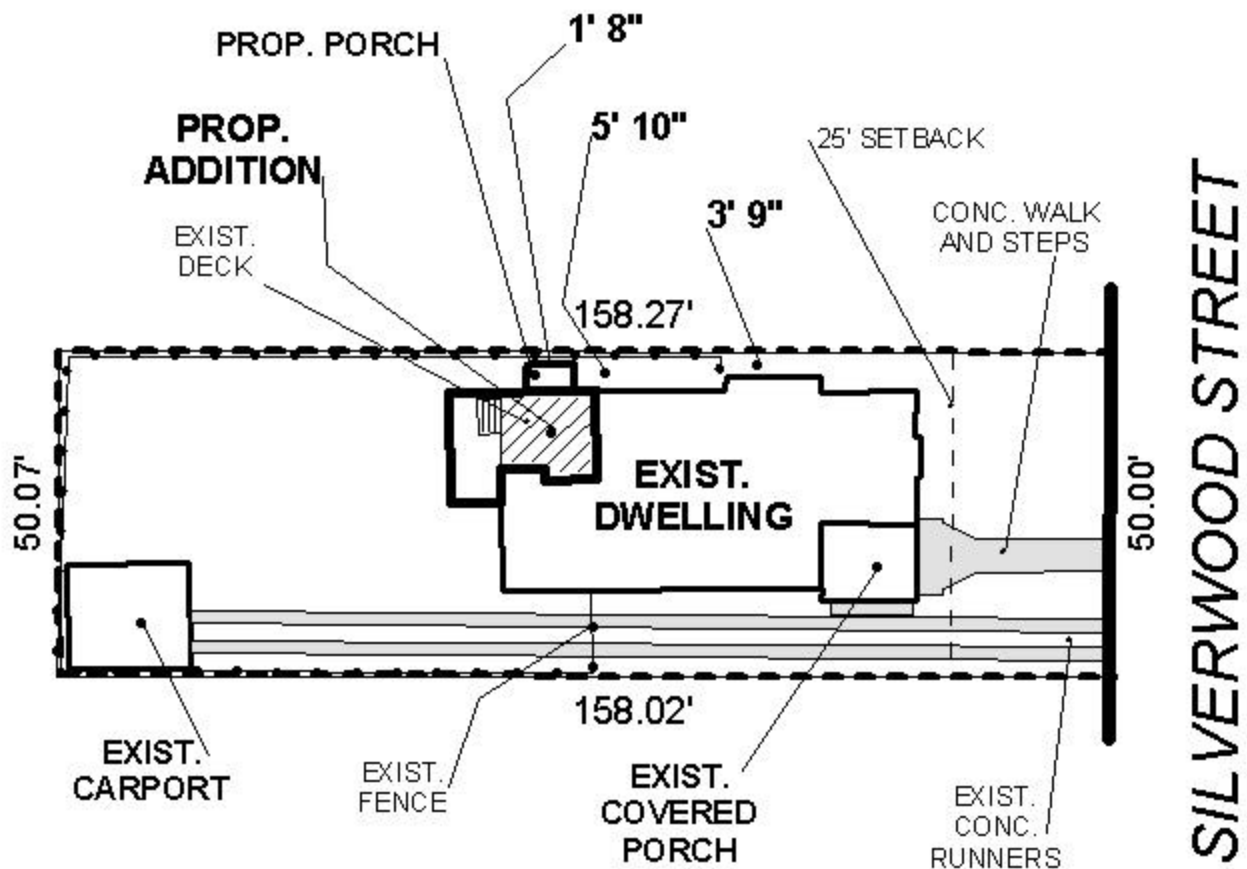
APPLICANT Eddie Curran

REQUEST Side Yard and Combined Side Yard Variances

LEGEND



# SITE PLAN



The site is located on the West side of Silverwood Street, 545' South of Spring Hill Avenue. The plan illustrates the existing and proposed structures.

APPLICATION NUMBER 5198 DATE September 8, 2003  
 APPLICANT Eddie Curran  
 REQUEST Side Yard and Combined Side Yard Variances

