

APPLICATION NUMBER

5150

A REQUEST FOR

**SIDE YARD AND COMBINED SIDE YARD VARIANCES
TO ALLOW THE CONSTRUCTION OF A 21' X 28'
CARPORT TO AN EXISTING STRUCTURE WITHIN 7.9'
OF THE (WEST) SIDE PROPERTY LINE AND TO ALLOW
A COMBINED SIDE YARD TOTAL OF 17.8'; A 8'
MINIMUM SIDE YARD SETBACK AND A 20' COMBINED
SIDE YARD TOTAL ARE REQUIRED ON A 60' WIDE OR
WIDE LOT.**

LOCATED AT

4511 KINGSWOOD DRIVE

(South side of Kingswood Drive, 280' \pm West of Queens Way)

APPLICANT

JOHN E. AND MARY Y. WITHERINGTON, JR.

BOARD OF ZONING ADJUSTMENT

JANUARY 2003

The applicant is requesting a Side Yard and Combined Side Yard Variances to allow the construction of a 21' x 28' carport to an existing structure within 7.9' of the (West) side property line and to allow a combined side yard total of 17.8'; a 8' minimum side yard setback and a 20' combined side yard total are required on a 60' or wider lot.

The applicant states five reasons why they would like to build the garage in the required setbacks: 1) the proposed location of the garage is on top of an existing drive and parking area; 2) the presence of large trees prevent the expansion of the parking area; 3) the existing landscaping would have to be removed; 4) the carport was designed to compliment the lines of the existing house; and 5) the garage would fit the character of the existing neighborhood.

The Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, allow adequate circulation of light and air, and to impede the spread of fire and water run-off onto adjacent properties. Based upon the width of the lot (109' wide), the ordinance would require an 8' side yard setback and a 20' total combined yard setback. It should be noted that this lot is 1.8 times wider than the 60' minimum lot width as described in the Subdivision Regulations.

It should be noted that the shed is a legal non-conforming structure and thus a variance is not needed.

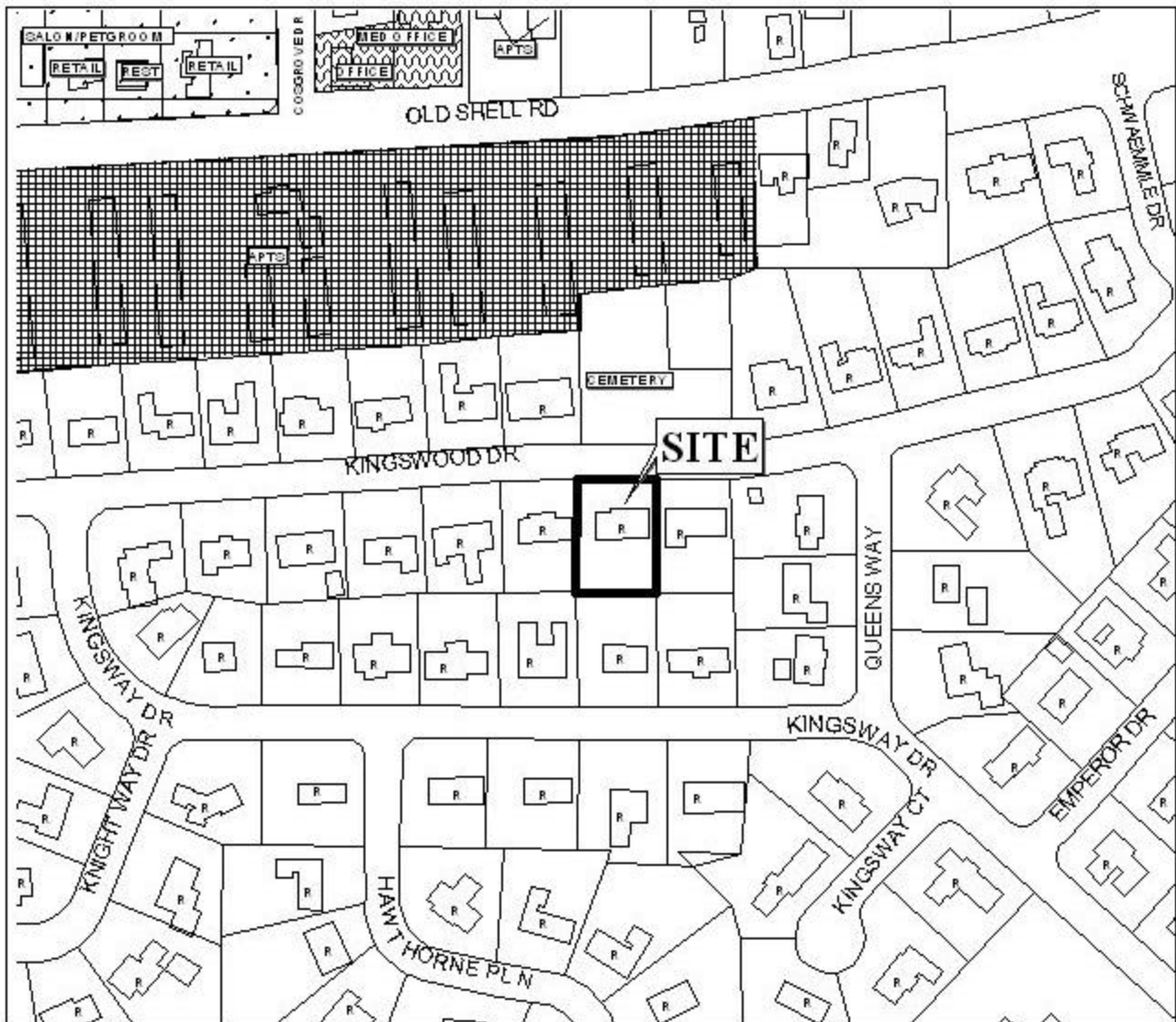
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to build an addition within the required setbacks.

RECOMMENDATION 5150**Date: January 6, 2003**

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family, residential units are located to the west, south, and east of the site. Apartments, offices, and retail stores are located to the north of the site.

APPLICATION NUMBER 5150 DATE January 6, 2003

APPLICANT John E. and Mary Y. Witherington, Jr.

REQUEST Side Yard, Combined Side Yard Variance

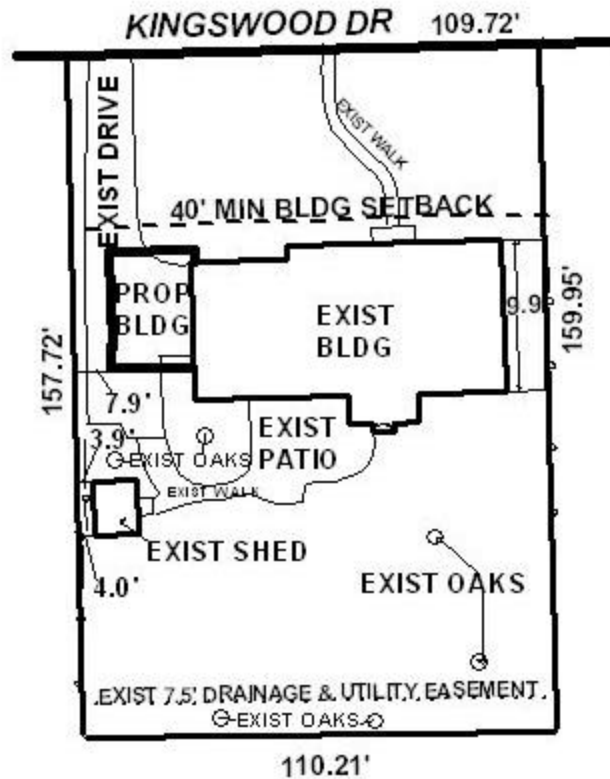
LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



NTS

SITE PLAN



South side of Kingswood Drive, 280' West of Queensway, the site plan illustrates the existing buildings, drives, landscaping, and the proposed building.

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USE/REQUEST Side Yard, Combined Side Yard Variance



NTS