

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2011****CASE NUMBER**

5723/5511

APPLICANT NAME

Marc Scott Whitehead

LOCATION4913 Carmel Drive North
(South side of Carmel Drive North, 225'± West of Pine Court.)**VARIANCE REQUEST****SETBACK:** Side Yard and Rear Yard Setback Variances to allow the construction of a carport within 3.25' of a side property line and 7.5' of a rear property line in an R-1, Single Family Residential District.**ZONING ORDINANCE
REQUIREMENT****SETBACK:** Zoning Ordinance requires an 8' side yard setback and an 8' rear yard setback in an R-1, Single-Family Residential District.**ZONING**

R-1, Single Family Residential

AREA OF PROPERTY

0.3 ± acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting side yard and rear yard setback variances to allow the construction of a carport within 3.25' of a side property line and 7.5' of a rear property line in an R-1, Single Family Residential District; the Zoning Ordinance requires an 8' side yard setback and an 8' rear yard setback in an R-1, Single-Family Residential District.

The applicant proposes to add a new master bedroom and bathroom on the Southeast portion of the existing residence that would be approximately 1,000 square feet and would meet all required setbacks. The applicant also proposes extending the roofline to cover an existing porch with a 23' long covered walkway connecting to a new two-car carport over the existing driveway on the Southwest portion of the property that would not meet the required setbacks. It should be noted that with the proposed additions to the property, the site will have approximately 34.7% site coverage, and therefore complies with the maximum site coverage allowance of 35% in an R-1, Single-Family Residential District.

The applicant presented the same application at the December 1, 2008 meeting of the Board of Zoning Adjustment where it was approved with the conditions that the applicant install gutters and downspouts and comply with all municipal codes and ordinances. The applicant obtained a building permit on January 5, 2009 for the proposed additions, however decided to postpone the project, and did not break ground on the additions. Despite the fact that the applicant did obtain a building permit, because work was never begun and the building permit expired, the original variance has also expired.

The applicant states that the currently proposed location of the carport provides the greatest amount of maneuverability and would result in the least amount of impermeable surface being added to the property. It should also be noted that at the January 9, 1978; January 5, 1981; and November 5, 2001 meetings of the Board of Zoning Adjustment similar variances were granted within 1,000 feet of the subject property to allow the construction of carports and garages within the required setbacks as close as 1.5' of a side property line and 5' of a rear property line.

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.

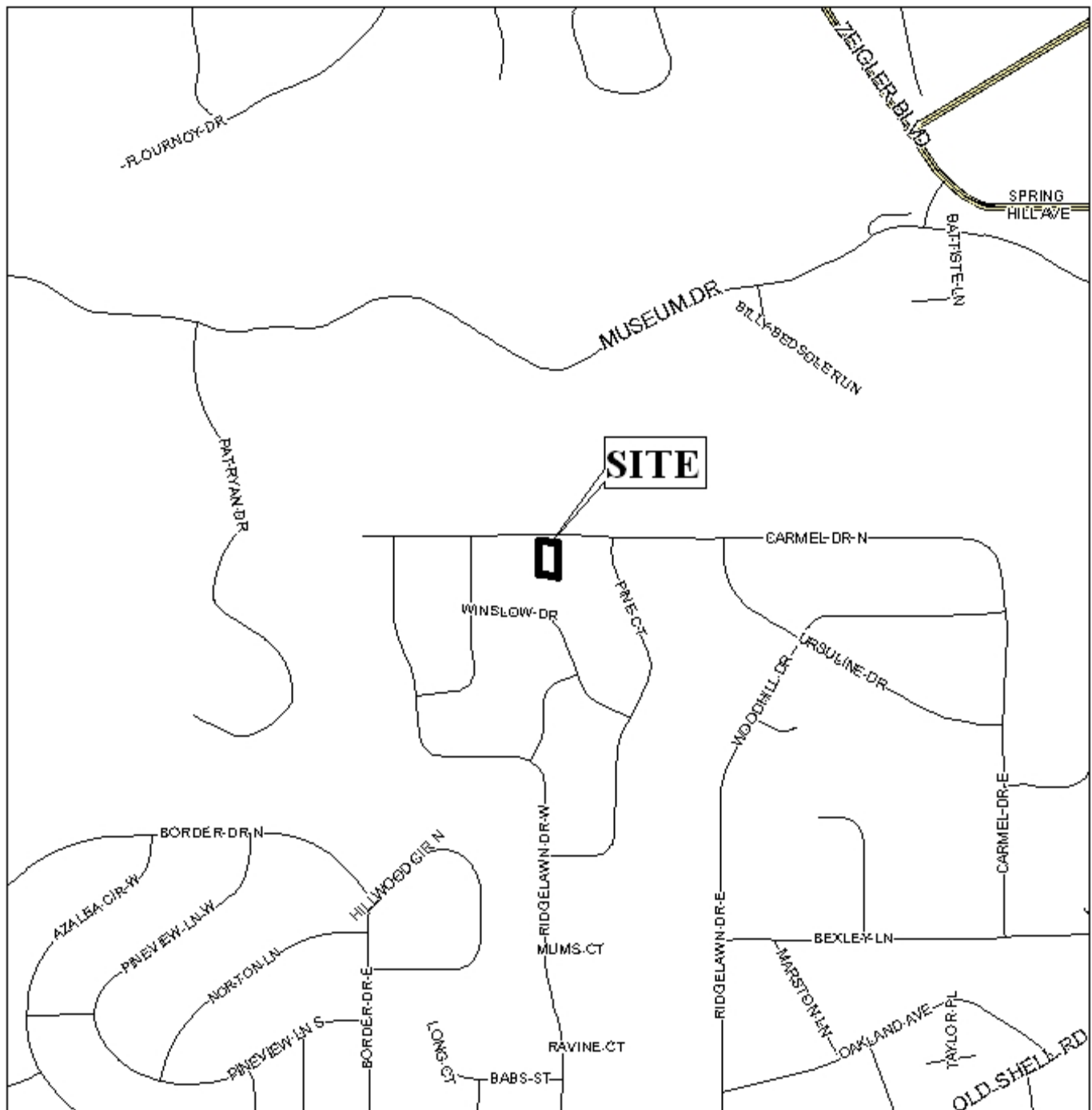
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to allow a carport to within 3.25' of a side property line and 7.5' of the rear property line.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



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REQUEST Side Yard and Rear Yard Setback Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units

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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

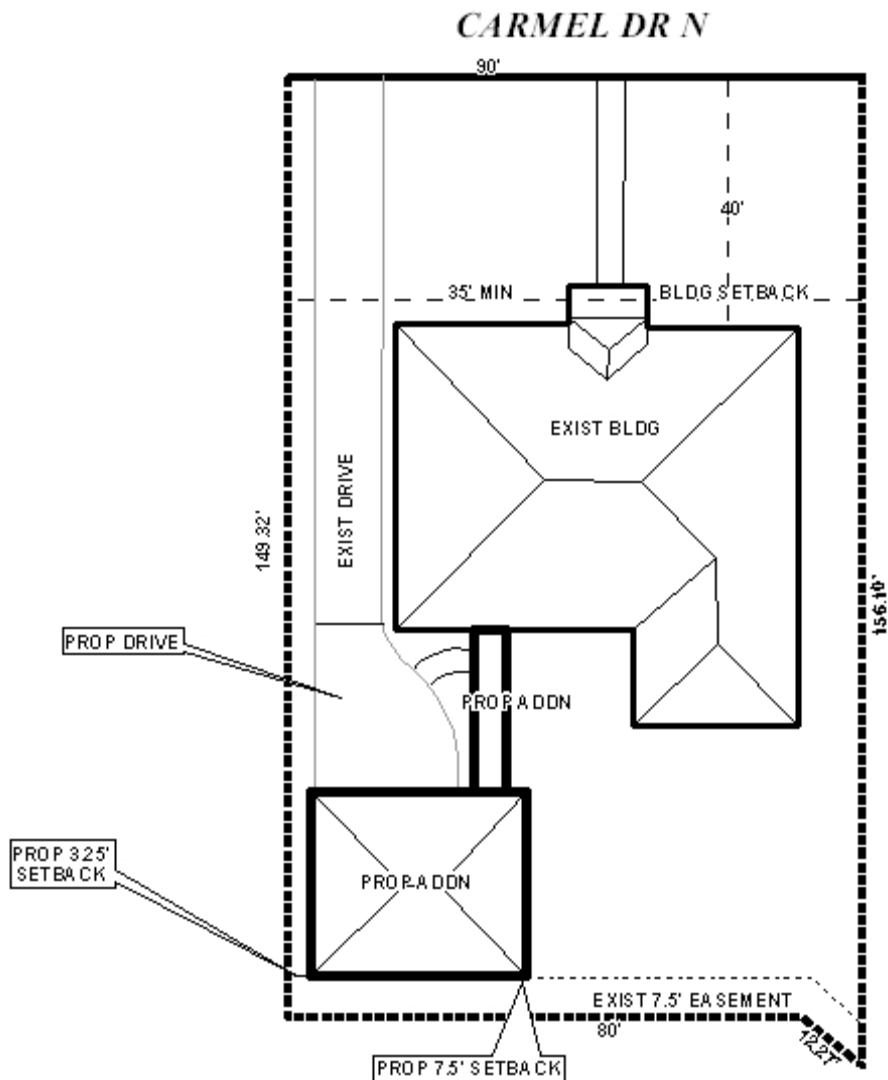


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SITE PLAN



The site plan illustrates the existing building, proposed additions, and proposed setbacks

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