

APPLICATION NUMBER

**5416/4237/4096**

A REQUEST FOR

**SIDE YARD SETBACK AND COMBINED SIDE YARD  
VARIANCE TO ALLOW A GARAGE/DEN/BREAKFAST  
ROOM/COVERED PORCH/BEDROOMS ADDITION TO  
WITHIN 2" OF A SIDE PROPERTY LINE WITH  
COMBINED SIDE YARDS OF 9.9' FOR A SINGLE-  
FAMILY RESIDENTIAL DWELLING; THE ZONING  
ORDINANCE REQUIRES A MINIMUM SIDE YARD  
SETBACK OF 8' AND COMBINED SIDE YARDS OF 20' IN  
AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

**21 EDGEFIELD ROAD**

(East side of Edgefield Road, 270' ± North of Marquette Drive)

APPLICANT/OWNER

**JOE VALLE'E**

AGENT

**M. DON WILIAMS ENGINEERING**

**BOARD OF ZONING ADJUSTMENT**

MAY 2007

The applicant is requesting a Side Yard Setback and Combined Side Yard Variance to allow a garage/den/breakfast room/covered porch/bedrooms addition to within 2" of a side property line with combined side yards of 9.9' for a single-family residential dwelling; the Zoning Ordinance requires a minimum side yard setback of 8' and combined side yards of 20' in an R-1, Single-Family Residential District.

The subject property received two previous side yard setback variances. One was granted in 1986 to allow construction of an addition to within 4' of a property line (the addition was never built), and the other in 1990 to allow a carport to within 2" from a property line with combined side yards of 9.9'. The applicant wishes to remove the one-story carport granted under the second variance and replace it with the proposed two-story addition to be built within and expanded upon the footprint of the carport; thus, the same side yard setback and combined side yard variances must be requested. The recorded front setback of 35' and required 8' rear setback will be met and total site coverage will not exceed the 35% limit.

The applicant has been unsuccessful in attempting to obtain a 10' strip of land from Spring Hill College along the North property line which would negate the necessity of seeking this variance. That area is a thickly wooded portion of the golf course and has approximately 50' of street frontage along Edgefield Road. The argument is made that this will presumably always remain a wooded, undeveloped part of the golf course and will never allow residential construction within 50' of the applicant's North property line.

Whereas the previously approved carport was a one-story open structure, the proposed addition would be much larger, two stories tall, enclosed, with bedrooms, and extending more than 2-1/2 times the length of the carport 2" off the property line. This would constitute an excessive expansion of the previously approved encroachment into the required setback and would be out of character of the neighborhood as it was developed as a standard subdivision without reduced side yard setbacks.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

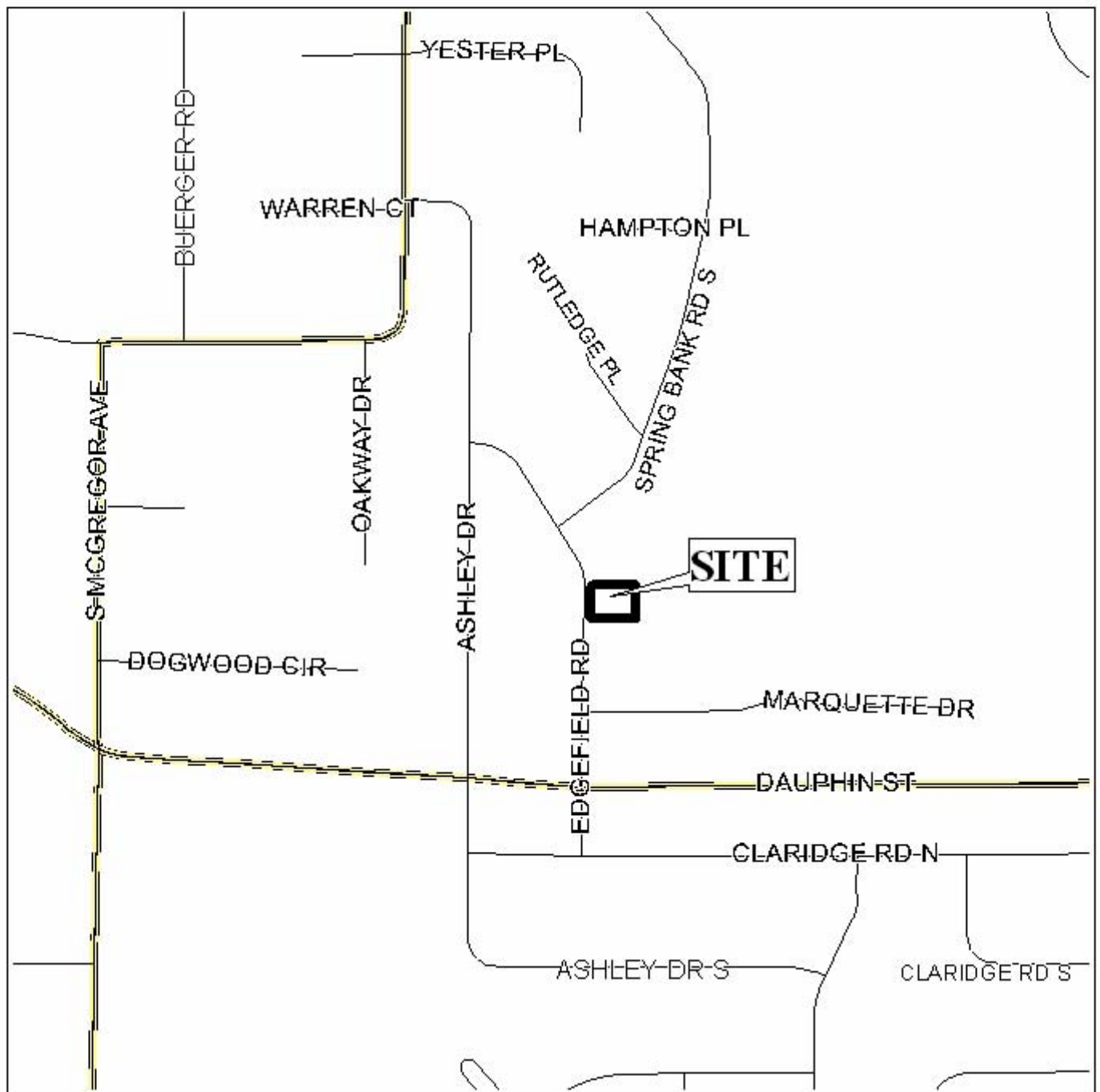
A hardship for justifying such a large addition with such a great encroachment has not been illustrated by the applicant and the Board should consider this application for denial.

**RECOMMENDATION 5416/4237/4096**

**Date: May 7, 2007**

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

# LOCATOR MAP

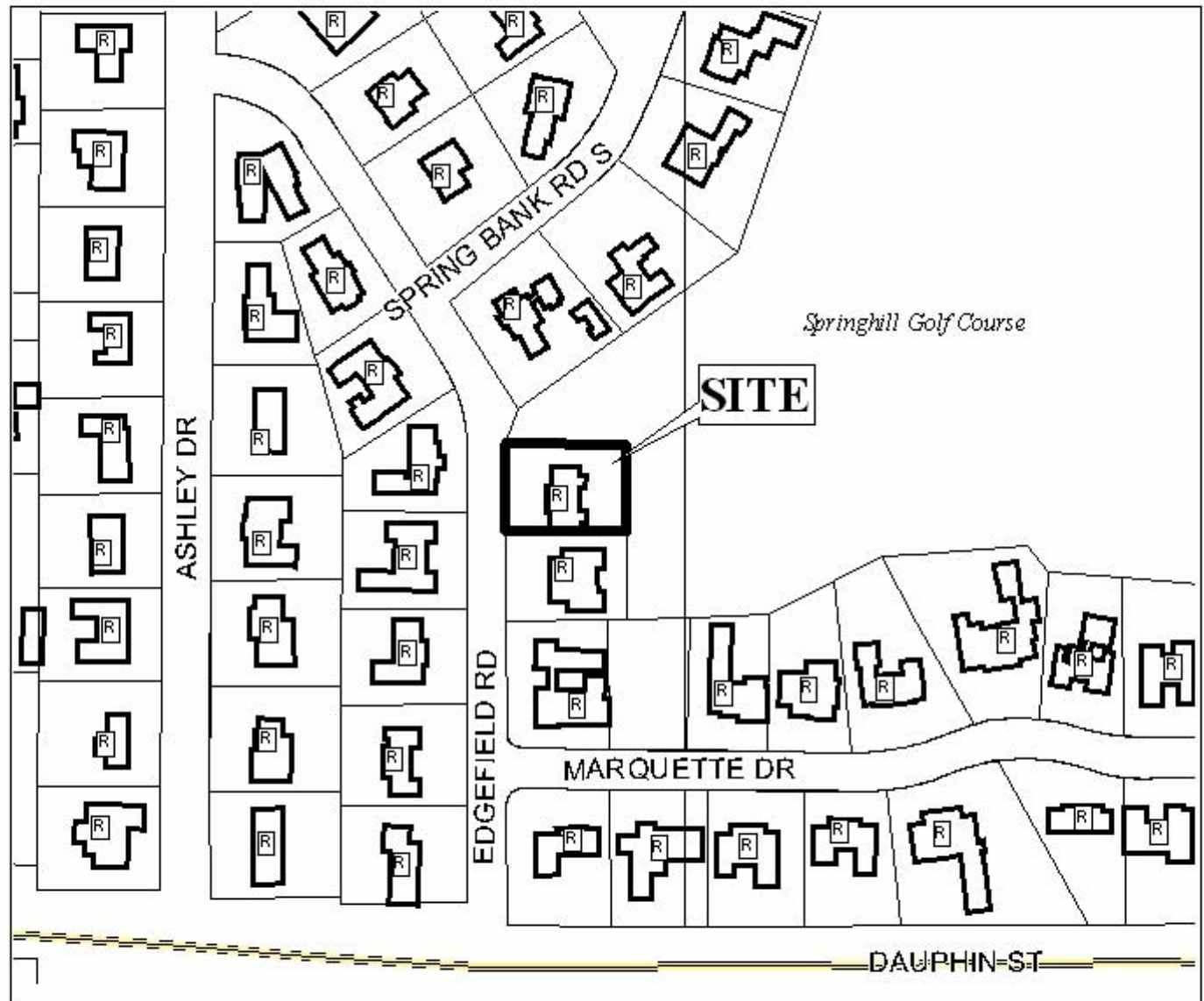


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and Springhill Golf Course to the north and west.

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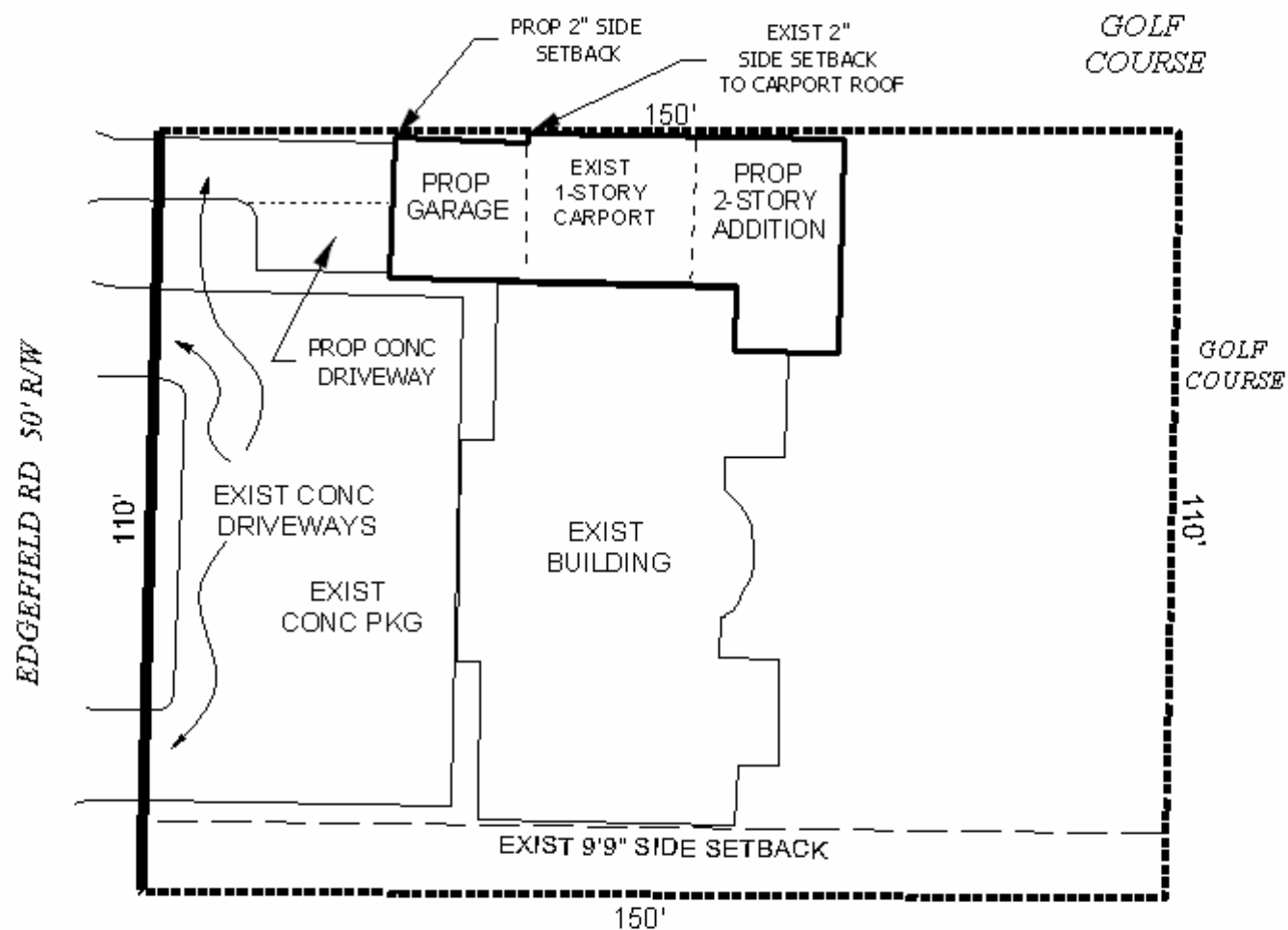
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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# SITE PLAN



The site plan illustrates existing building, setbacks, drives, parking and proposed drive, building, and setback.

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