

APPLICATION NUMBER

**5533**

A REQUEST FOR

**SITE COVERAGE VARIANCE TO ALLOW 43.7% SITE  
COVERAGE FOR THE CONSTRUCTION OF A SINGLE-  
FAMILY DWELLING IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE  
ALLOWS 35% MAXIMUM SITE COVERAGE IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

(East side of Drury Lane, 365' + North of Wimbledon Drive West)

APPLICANT / OWNER

**JOEL THOMAS DAVES AND STEPHANIE DAVES**

**BOARD OF ZONING ADJUSTMENT**

MAY 2009

The applicant is requesting a site coverage variance to allow 43.7% site coverage for the construction of a single-family dwelling in an R-1, Single-Family Residential District; the Zoning Ordinance allows 35% maximum site coverage in an R-1, Single-Family Residential District.

The applicant wishes to construct a 5,050 square foot dwelling on an 11,567 square foot lot. A retaining wall is also proposed along the South and East property lines, due to a "low area," to revert storm water to the street.

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.

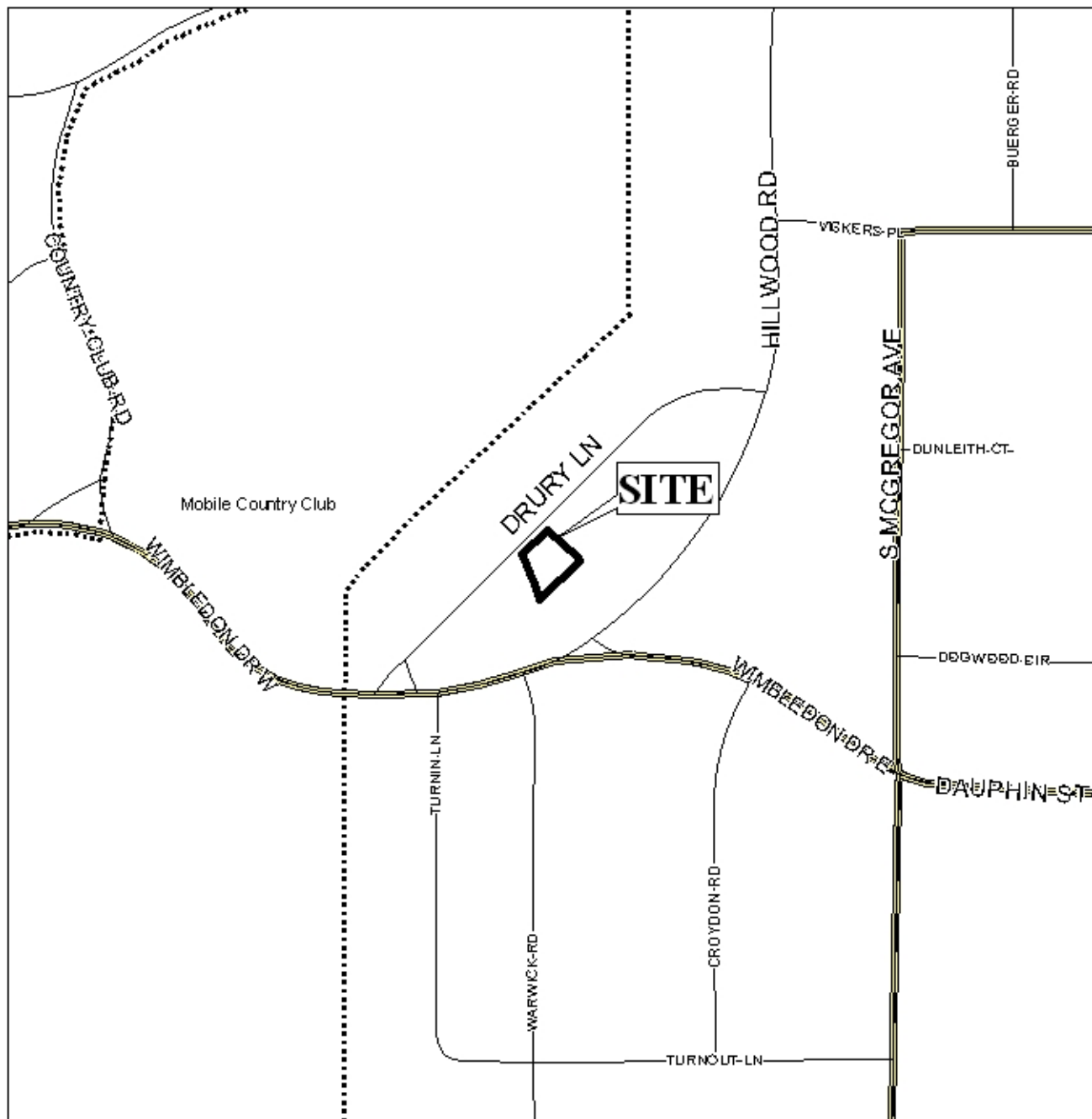
The fact that the footprint of the proposed dwelling exceeds the maximum site coverage, as required by Section 64-3.C.1 of the Zoning Ordinance, is not a hardship; if at all, it is self-imposed. Increased site coverage is not characteristic of the surrounding neighborhood, and an approval here may set an unwanted precedent for future development in the area.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

**RECOMMENDATION 5533****Date: May 4, 2009**

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

# LOCATOR MAP



APPLICATION NUMBER 5533 DATE May 4, 2009

APPLICANT Joel Thomas Daves and Stephanie Daves

REQUEST Site Coverage Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units

APPLICATION NUMBER 5533 DATE May 4, 2009

APPLICANT Joel Thomas Daves and Stephanie Daves

REQUEST Site Coverage Variance

LEGEND

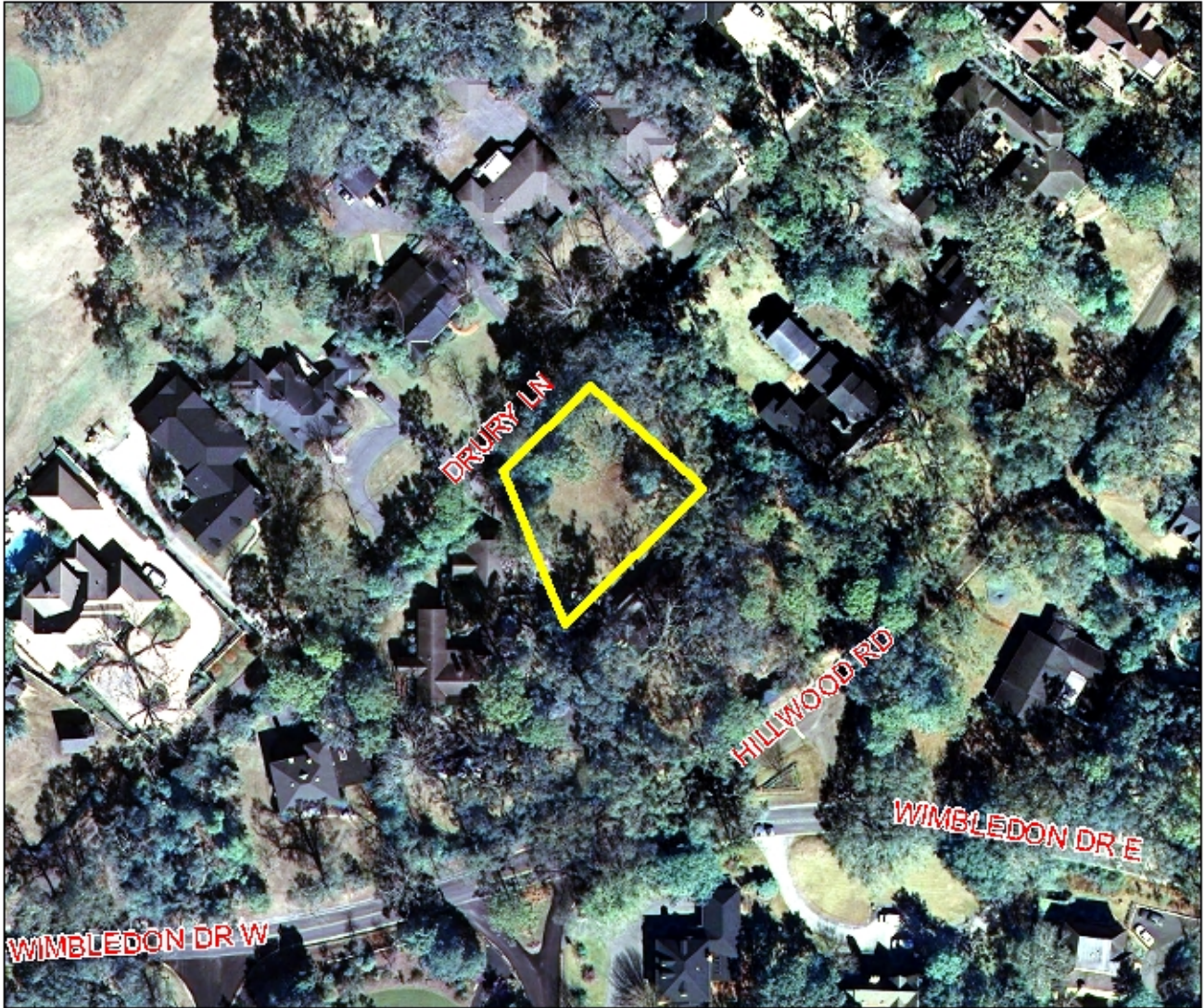
R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



NTS



**BOARD OF ADJUSTMENT  
VICINITY MAP - EXISTING ZONING**

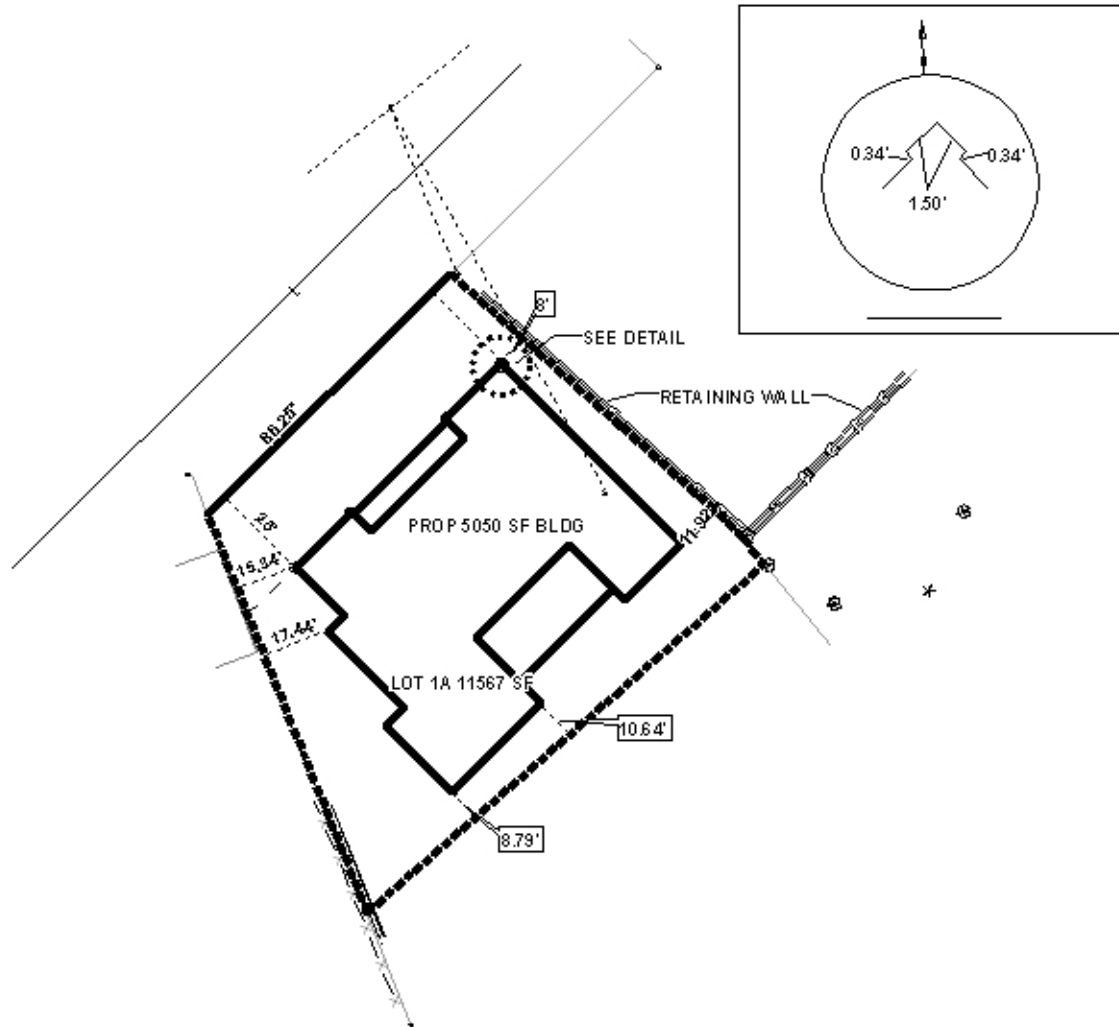


The site is surrounded by single-family residential units

APPLICATION NUMBER 5533 DATE May 4, 2009  
APPLICANT Joel Thomas Daves and Stephanie Daves  
REQUEST Site Coverage Variance



## SITE PLAN



The site plan illustrates the proposed residence.

APPLICATION NUMBER 5533 DATE May 4, 2009  
APPLICANT Joel Thomas Daves and Stephanie Daves  
REQUEST Site Coverage Variance

N  
NTS