

APPLICATION NUMBER

**5592/4422**

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO AMEND A  
PREVIOUSLY APPROVED SIDE YARD SETBACK  
VARIANCE TO ALLOW A 16' x 20' ADDITION TO A  
DETACHED GARAGE/STORAGE BUILDING WITHIN 5'  
OF A SIDE PROPERTY LINE IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE  
REQUIRES AN 8' SIDE YARD SETBACK IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

**5014 COLE DRIVE EAST**

(West side of Cole Drive East, 270'± North of Audubon Drive East)

APPLICANT/OWNER

**W. ANDREW WISNER, JR. & KATHY C. WISNER**

AGENT

**W. ANDREW WISNER, JR.**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2010

The applicant is requesting a Side Yard Setback Variance to amend a previously approved Side Yard Setback Variance to allow a 16' x 20' addition to a detached garage/storage building within 5' of a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' side yard setback in an R-1, Single-Family Residential District.

The applicants were granted a Side Yard Setback Variance in March, 1994, to construct a 16' x 24' detached garage/storage building within 5' of the North side property line. They now propose to add a 16' x 20' addition to that structure extending to the rear and in-line with the existing side walls and within 5' of the North property line as granted by the previous variance, hence this application.

The applicants state that the original variance request was intended to allow storm water run off to flow down the center of the yard to the canal to the rear and that this request is for the same and to keep run off away from the neighbor's yard. The addition would be used to store lawn equipment, boat equipment, and all items currently stored in a tool shed proposed to be removed. Inasmuch as the original request was recommended for denial, but was approved by the Board, this request is similar in nature, but for a slightly smaller size. Over-all sight coverage would still remain well below the 35% maximum allowable.

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.

Since the original variance was granted for the 5' setback, it would stand that an in-line addition should also be considered for approval. In similar instances, the provision of gutters and downspouts along the side for which the variance is granted have been made a condition of approval, and should be in this instance.

**RECOMMENDATION 5592/4422    Date: January 4, 2010**

Based upon the preceding, this application is recommended for approval, subject to the following conditions:

- 1) the provision of gutters and downspouts along the North eave of the structure; and
- 2) full compliance with all municipal codes and ordinances.

# LOCATOR



APPLICATION NUMBER 5592/4422 DATE January 4, 2009

APPLICANT W. Andrew Wisner, Jr. & Kathy C. Wisner

REQUEST Side Yard Setback Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

APPLICATION NUMBER 5592/4422 DATE January 4, 2009

APPLICANT W. Andrew Wisner, Jr. & Kathy C. Wisner

REQUEST Side Yard Setback 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
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NTS



## BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

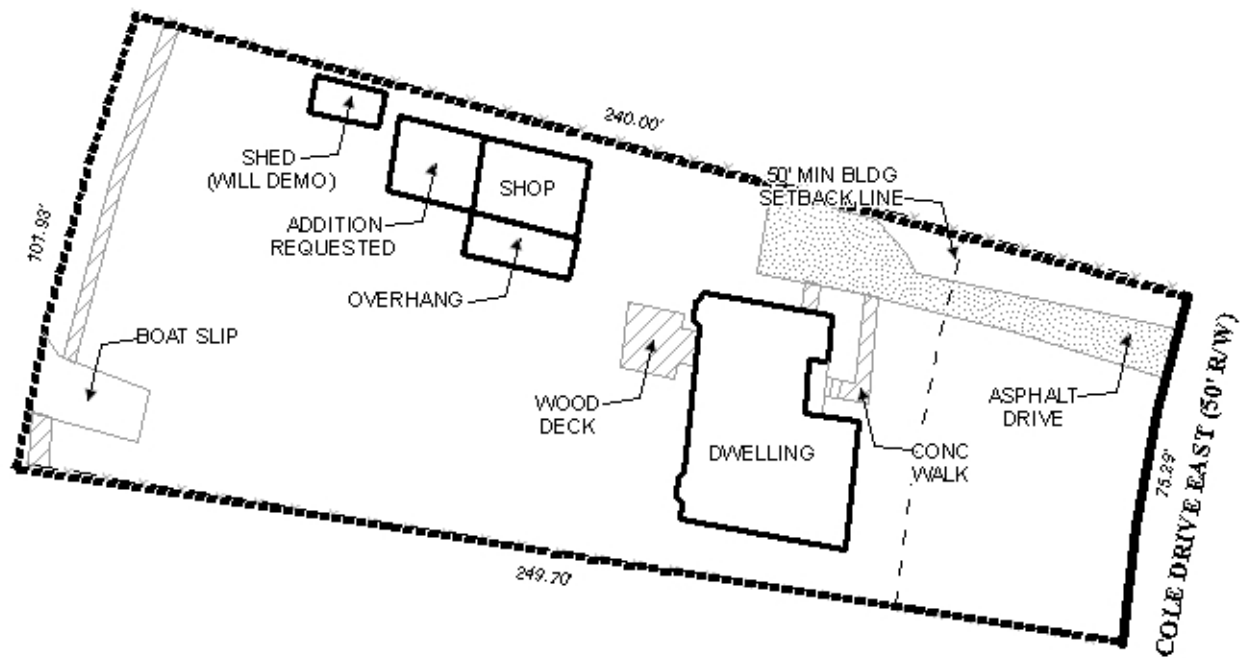
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NTS

## SITE PLAN



This site plan illustrates the existing buildings and proposed addition.

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