

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2011**

<u>CASE NUMBER</u>	5693
<u>APPLICANT NAME</u>	Rebecca C. Barrett
<u>LOCATION</u>	3905 McGregor Court (South side of McGregor Court, 75' West of South McGregor Avenue).
<u>VARIANCE REQUEST</u>	SETBACKS: Allow construction of a detached carport within 3.4 feet of the rear property line.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACKS: A minimum rear yard setback of 8 feet is required.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.18 Acre ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received
<u>CITY COUNCIL DISTRICT</u>	District 5

ANALYSIS The applicant is requesting a Rear Yard Setback Variance to allow the construction of a detached Carport within 3.4 feet of the rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8-foot minimum rear yard setback in an R-1, Single-Family Residential District.

The applicant wishes to construct a 560 square-foot detached carport in the rear of the property in order to park two vehicles and protect them from inclement weather.

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.

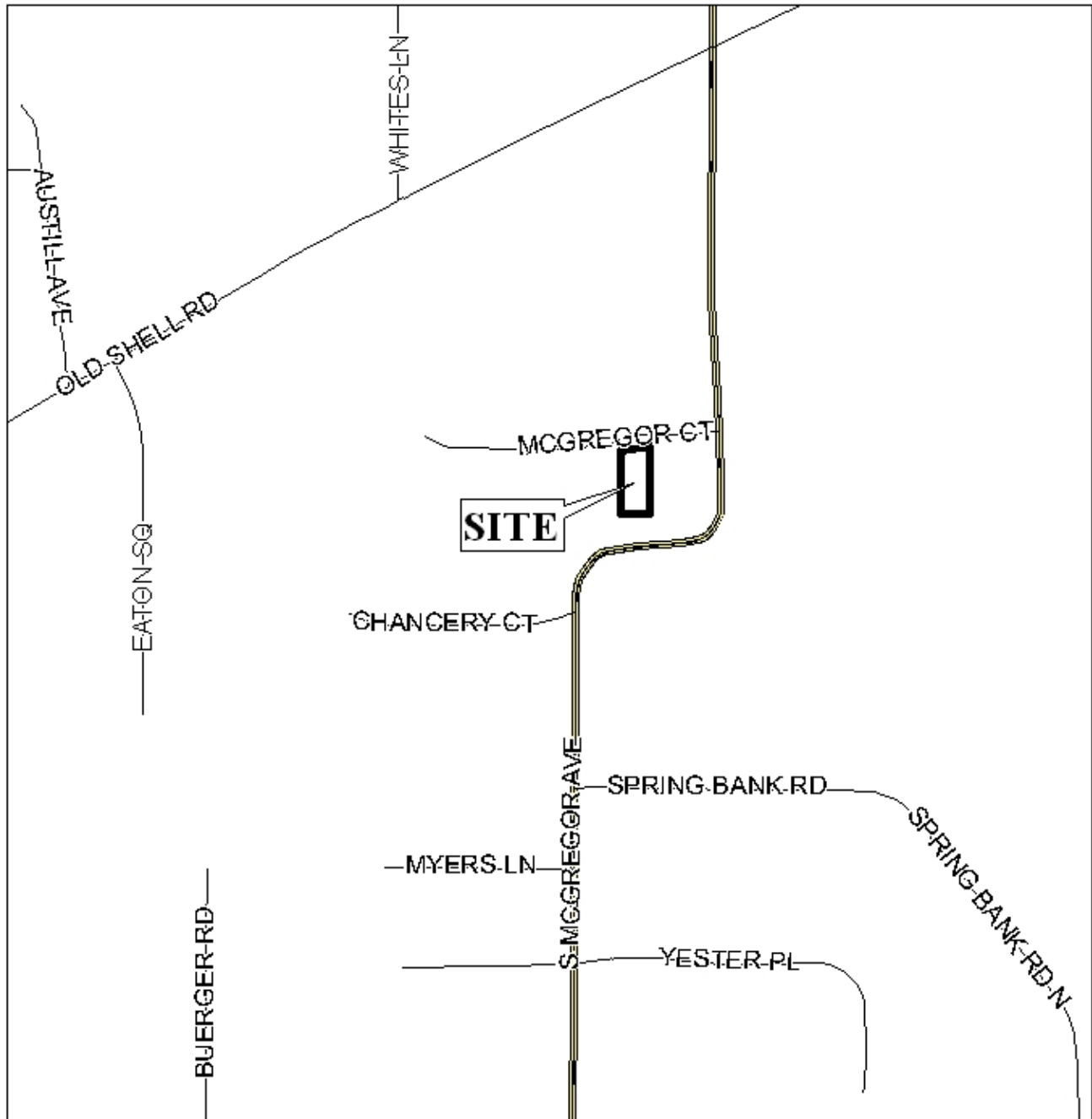
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant does not specifically state what the hardship on the property is, if any. The applicant, however, does correctly state that the property backs up to a 25-foot wide strip of land that is part of an adjacent lot which itself backs up to the South McGregor Avenue right-of-way. The applicant states that the adjacent property owner has offered to deed the property to the applicant, but that the applicant didn't want to pay for the cost of the survey to take the application to the Planning Commission. Financial issues are not a basis for a hardship. The applicant's issue could be solved by reducing the size of the proposed carport or by acquiring the adjacent property and resubdividing. As the issue can be resolved through a compliant method, a variance is not the appropriate avenue.

RECOMMENDATION

Based upon the preceding, the request is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5693 DATE August 1, 2011

APPLICANT Rebecca C Barrett

REQUEST Rear Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 5693 DATE August 1, 2011

APPLICANT Rebecca C. Barrett

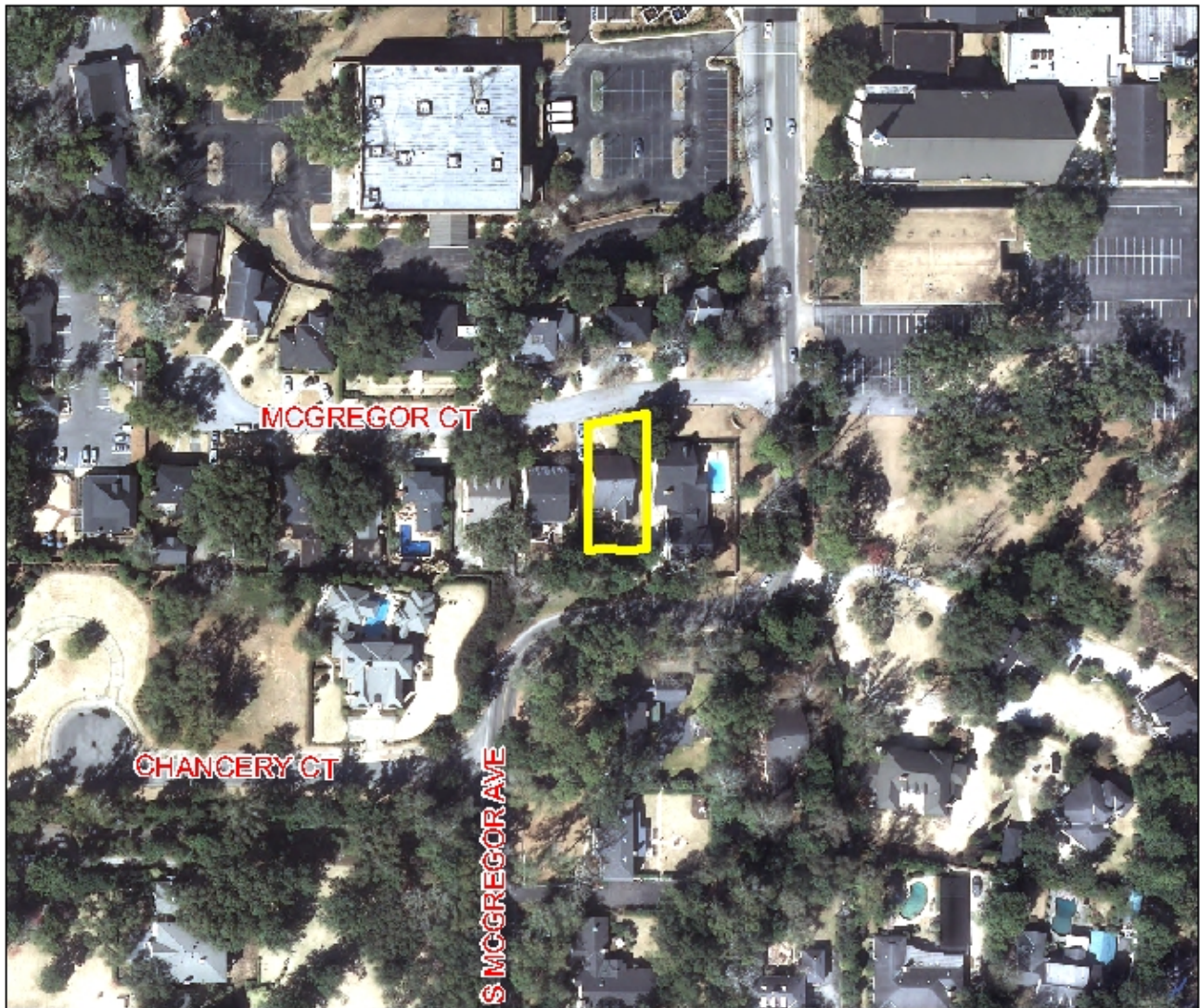
REQUEST Rear Yard Setback Variance

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

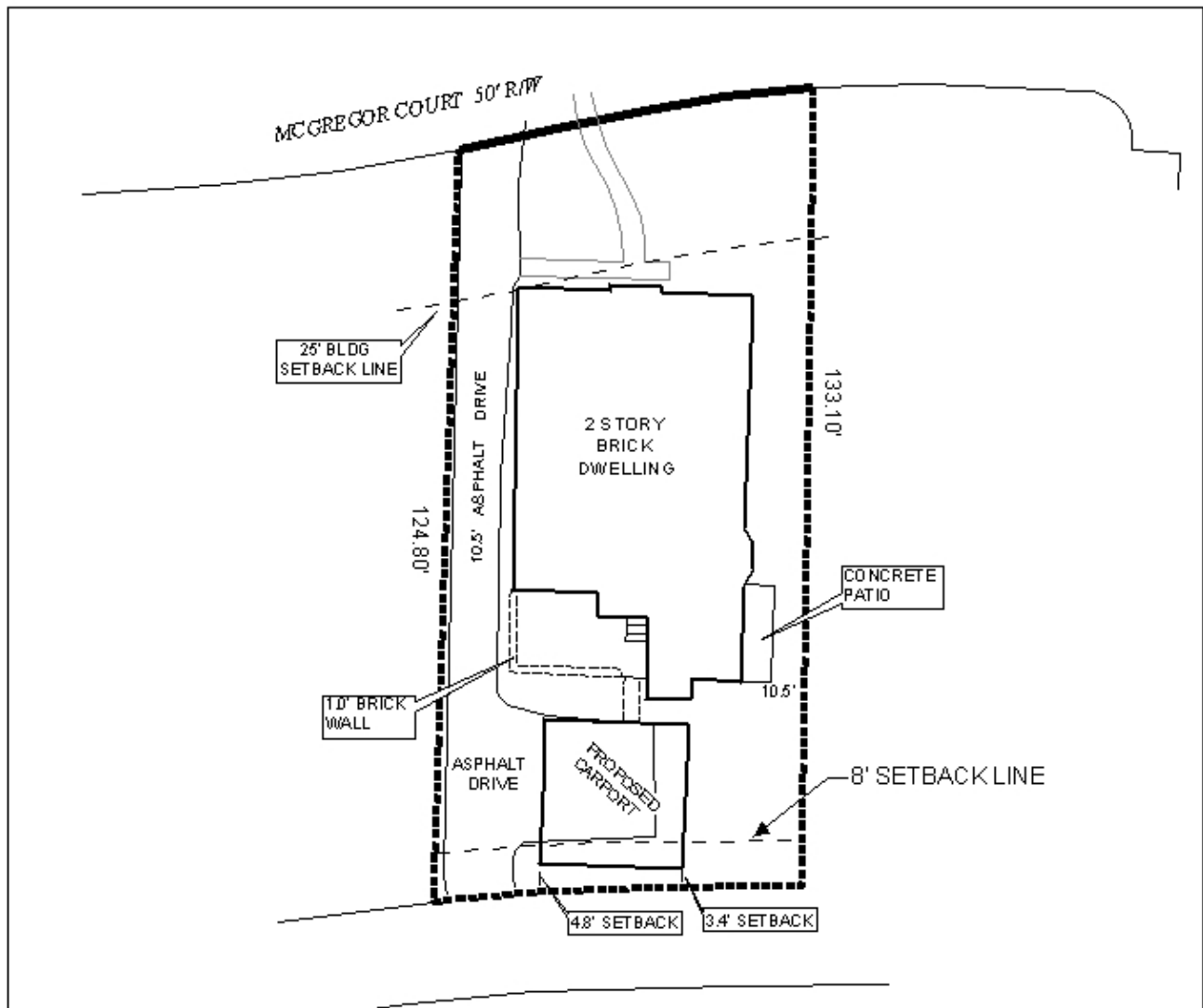
APPLICATION NUMBER 5693 DATE August 1, 2011

APPLICANT Rebecca C. Barrett

REQUEST Rear Yard Setback Variance



SITE PLAN



The site plan illustrates the proposed carport and setbacks

APPLICATION NUMBER 5693 DATE August 1, 2011

APPLICANT Rebecca C. Barrett

REQUEST Rear Yard Setback Variance

