

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 7, 2013**

<u>CASE NUMBER</u>	5861
<u>APPLICANT NAME</u>	Sandra Brining
<u>LOCATION</u>	4908 Carmel Drive North (North side of Carmel Drive North, 80'± West of the North terminus of Pine Court).
<u>VARIANCE REQUEST</u>	SETBACK: Side Yard Setback Variances to allow a garage within 5' of the side property line in an R-1, Single Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACK: Zoning Ordinance requires an 8' side yard setback in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single Family Residential
<u>AREA OF PROPERTY</u>	0.25 ± acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this residential side yard setback variance request.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting a side yard variances to allow the construction of a garage 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 applicant submitted building plans on August 19, 2013 for the construction of a carport addition, porch addition, family room and kitchen addition to the existing residence which meet all required setbacks. The applicant is now proposing a covered breezeway connecting the carport addition to the newly proposed garage located on the northwest portion of the property which would not meet the required side yard setback. It should be noted that with the proposed additions to the property, the site will have approximately 34% site coverage, and therefore complies with the maximum site coverage allowance of 35% in an R-1, Single-Family Residential District.

The applicant states that the currently proposed location of the garage provides the greatest amount of maneuverability. It should also be noted that at the January 9, 1978; January 5, 1981; November 5, 2001; and December 5, 2011 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. However, it should be noted due to changes in the building code any structure built or placed 5' or less within the building setbacks must provide a fire rated wall. Thus, if approved, the side of garage along the western property line must be fire rated.

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.

It appears that's if the proposed garage was placed at an angle, it may provide better vehicular access as well as meet all required setbacks. The applicant has not indicated that there are any unusual circumstances with the property to prevent other compliant alternatives.

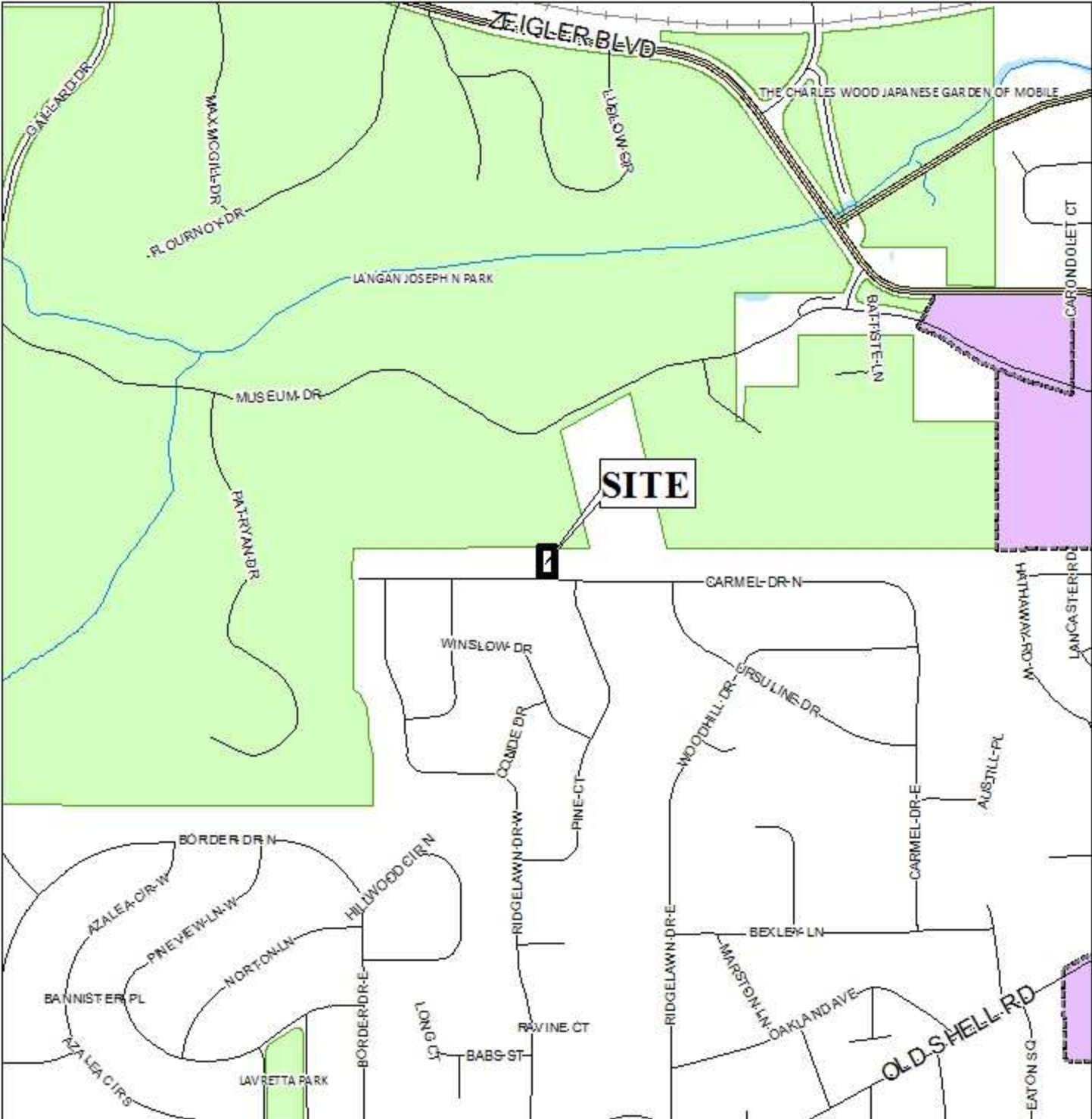
The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to allow a garage within 5' of a side property line.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

LOCATOR MAP



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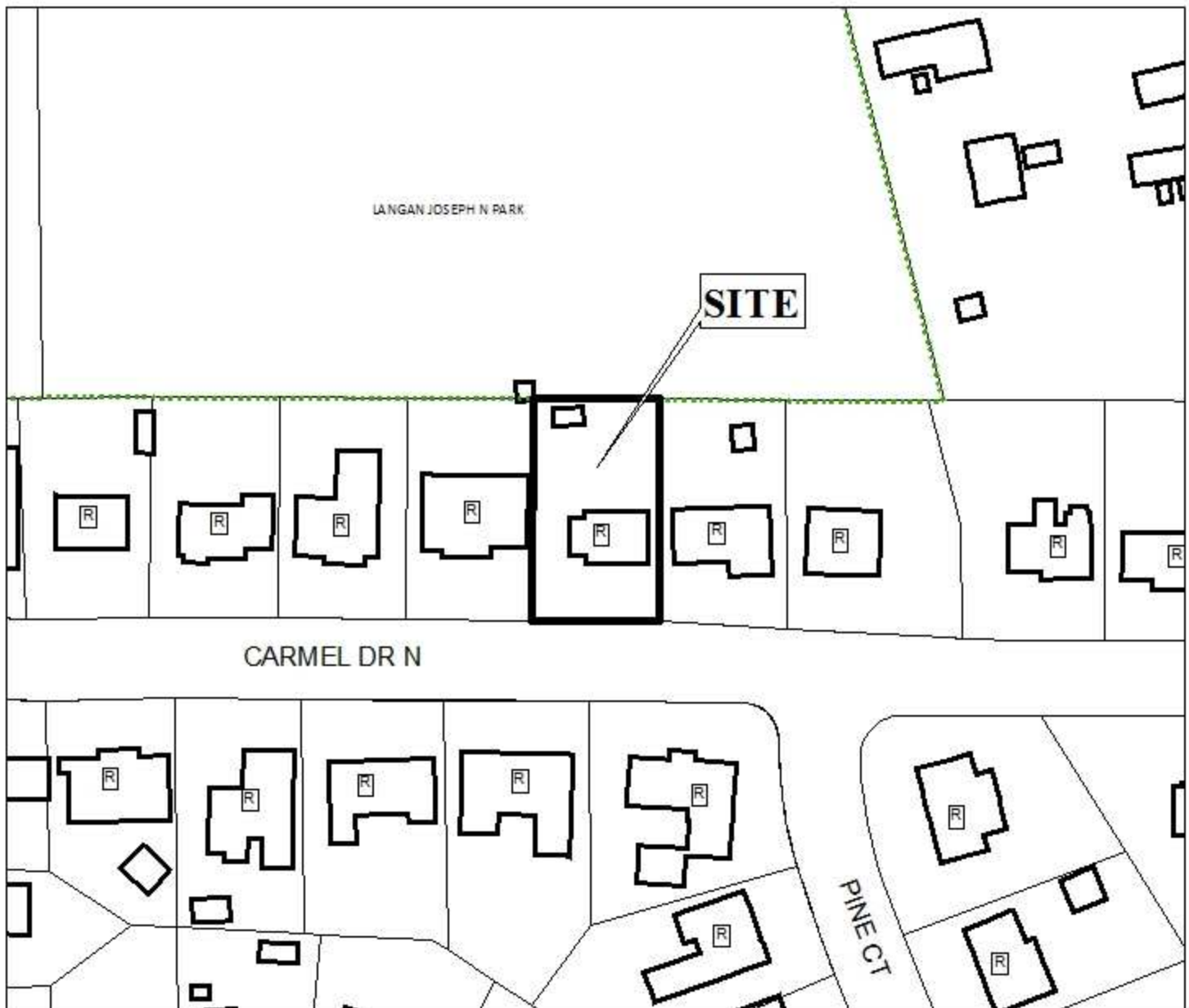
APPLICANT Sandra Brining

REQUEST _____ Side Yard Variance _____



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residences.

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REQUEST Side Yard Variance

LEGEND



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residences.

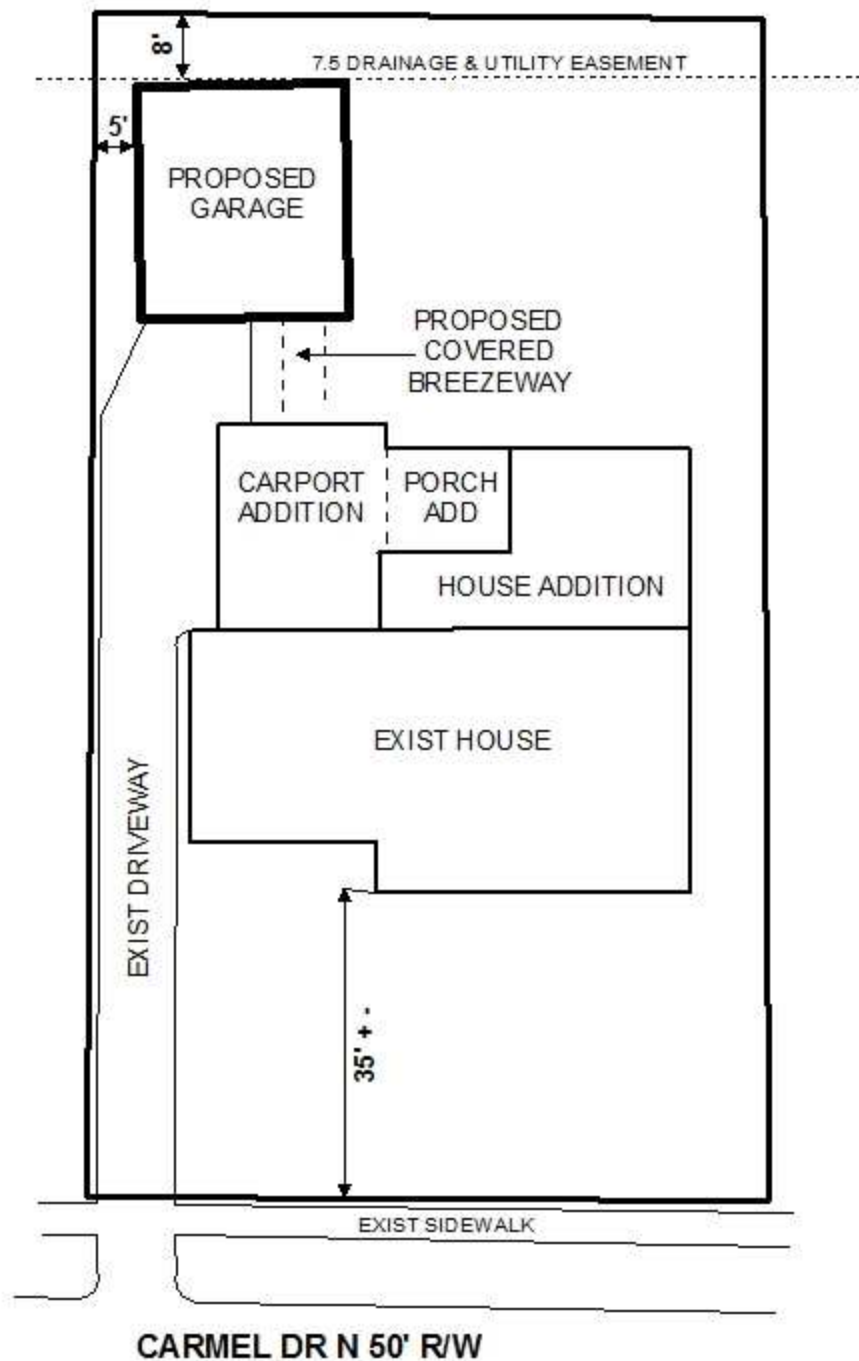
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REQUEST Side Yard Variance



SITE PLAN



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REQUEST Side Yard Variance

