

APPLICATION NUMBER

5174

A REQUEST FOR

**SIDE YARD AND TOTAL COMBINED SIDE YARD
SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF A 28' X 18'4" GARAGE/BONUS
ROOM WITHIN 5' FROM A SIDE (NORTH) PROPERTY
LINE AND A TOTAL COMBINED SIDE YARD OF 12'8"; A
MINIMUM SIDE YARD SETBACK OF 8' AND A TOTAL
COMBINED SIDE YARD OF 20' IS REQUIRED FOR A 74'
WIDE LOT IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT**

LOCATED AT

116 FRAZER COURT

(East side of Frazer Court, 279'± North of Old Shell Road)

APPLICANT/OWNER

CHRISTOPHER S. BREWER

BOARD OF ZONING ADJUSTMENT

APRIL 2003

The applicant is requesting Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 28' x 18'4" garage/bonus room within 5' from a side (North) property line and a total combined side yard of 12'8"; a minimum side yard setback of 8' and a total combined side yard setback of 20' is required for a 74' wide lot in an R-1, Single-Family Residential District.

The applicant submitted no information regarding the requested variances other than a detailed description of the proposed improvements.

Three of the primary concerns relating to side yard setbacks are the potential for the spread of fire from one property to another, water run-off onto adjacent properties, and the ability to properly maintain the proposed structure. Other concerns relate to privacy and adequate circulation of light and air.

In considering such applications, the Board has rarely granted side yard setback variances for less than 5 feet, and in allowing a 5-foot setback, the proposed construction was typically "in-line" with the existing structure. In this instance, the side yard variance is for a garage/bonus room that is attached to the side of the existing dwelling, which as proposed will be 5-feet from the side (North) property line.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. However the subdivision in which this site is located was developed around 1984, and as illustrated on the vicinity map, the area consists of larger lots which provide more than ample room for structures to comply with the setback requirements of the Zoning Ordinance.

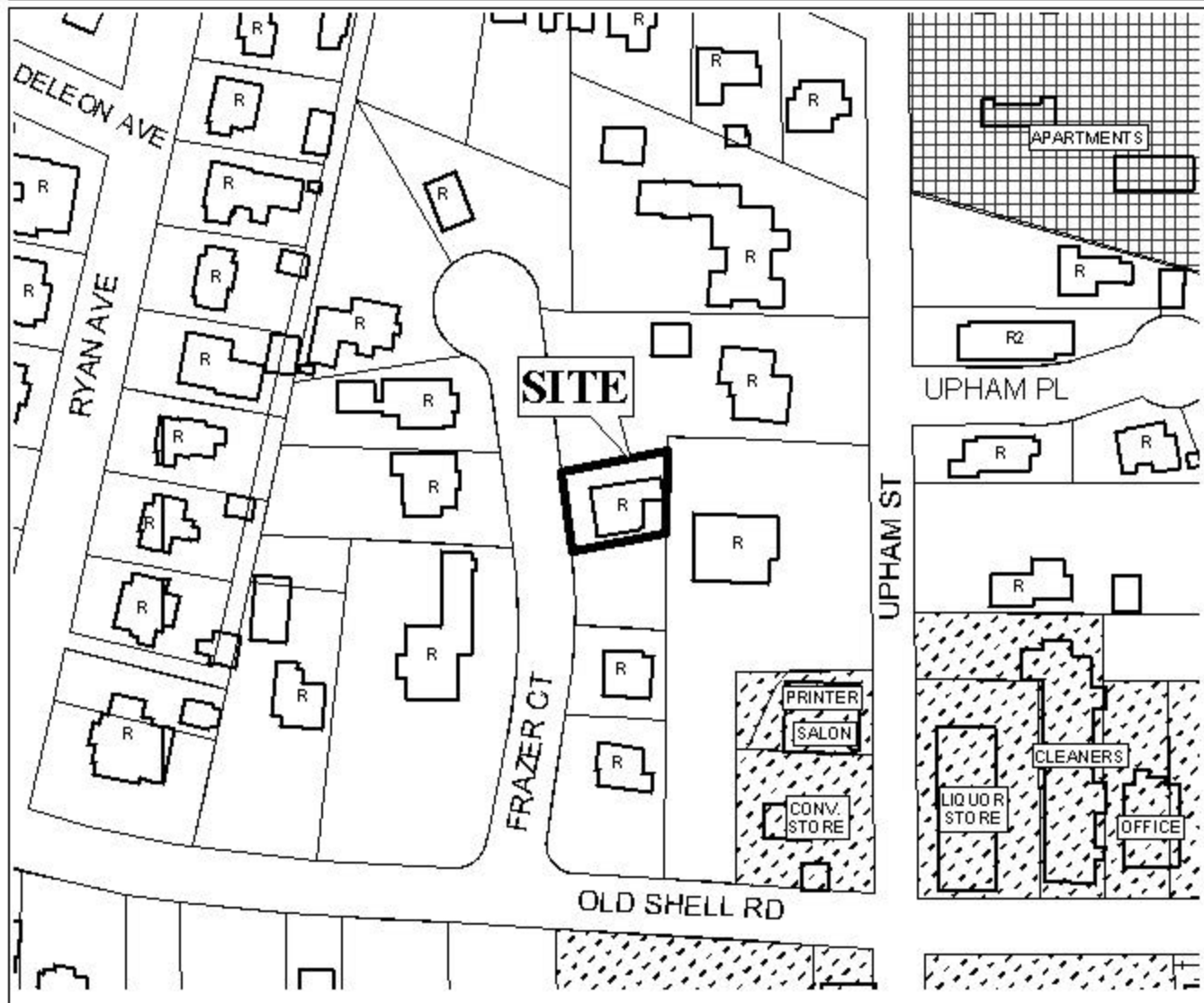
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

The applicant 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 construct a 28' x 18'4" garage/bonus room that is within 5-feet from the side (North) property line. The applicant should consider reducing the size or configuration of the proposed addition to meet the minimum setback requirements

RECOMMENDATION 5174**Date: April 7, 2003**

Based on the preceding, it is recommended that this application be denied.

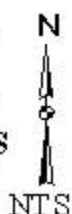
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



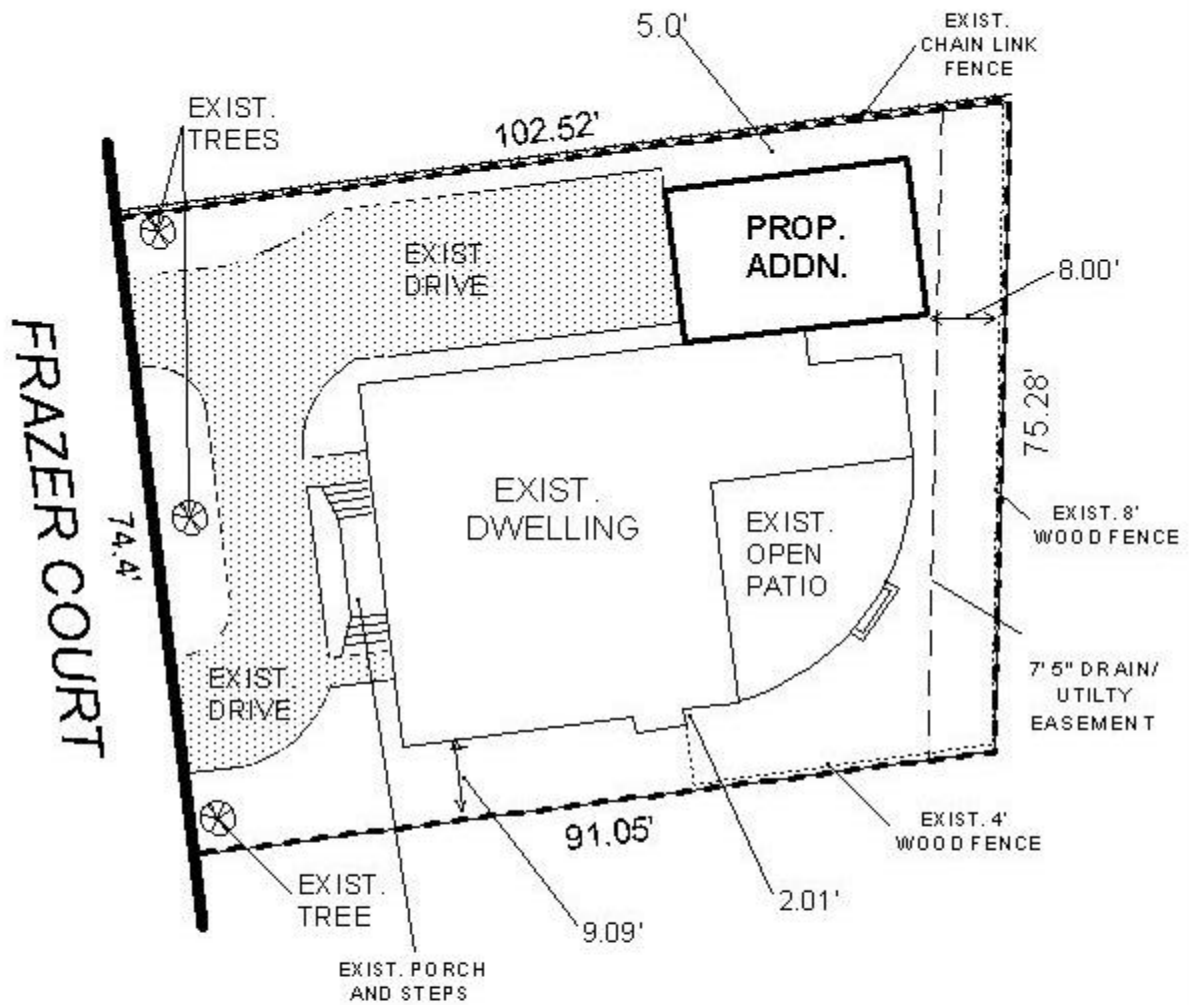
The site is surrounded by single-family residential dwellings.

APPLICATION NUMBER 5174 DATE April 7, 2003
 APPLICANT Christopher S. Brewer
 REQUEST Side Yard and Total Combined Side Yard Variances

LEGEND



SITE PLAN



The site is located on the East side of Frazer Court, 279' North of Old Shell Road. The plan illustrates the existing and proposed structures.

APPLICATION NUMBER 5174 DATE April 7, 2003
 APPLICANT Christopher S. Brewer
 USE/REQUEST Side Yard and Total Combined Side Yard
Variances

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