

APPLICATION NUMBER

5566

A REQUEST FOR

**SIDE YARD SET BACK AND COMBINED SIDE YARD
SETBACK VARIANCES TO ALLOW CONSTRUCTION OF
AN ADDITION TO A SINGLE-FAMILY DWELLING 1.0'
FROM THE SIDE PROPERTY LINE, WITH COMBINED
SIDE YARDS OF 7.3' IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A 8' MINIMUM SIDE YARD SETBACK WITH
A COMBINED SIDE YARD TOTAL OF 20' IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

252 DILSTON LANE

(East side of Dilston Lane, 90'± South of Oakwood Lane)

APPLICANT / OWNER

LEE WALLACE

BOARD OF ZONING ADJUSTMENT

OCTOBER 2009

The applicant is requesting Side Yard Set back and Combined Side Yard Setback Variances to allow construction of an addition to a single-family dwelling 1.0' from the side property line, with combined side yards of 7.3' in a R-1, Single-Family Residential District; the Zoning Ordinance requires a 8' minimum side yard setback with a combined side yard total of 20' in an R-1, Single-Family Residential District.

The proposed construction is for a second-story addition over an existing canopy / carport on a side property line. The applicant states that the space over the existing canopy is the only reasonable extension point for an addition that works coherently with the interior layout of the house and layout of the site. The applicant also states that the side facing the adjacent dwelling would have no openings and would not block daylight due to its orientation and the distance between the two structures. The applicant further states that the front façade will remain consistent and enhance the existing look and conditions of the house; the rear façade is designed to receive natural light for the new living space above.

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 subject site appears to be developed very close to capacity, especially with the size of the existing home and its accessory structures. It would appear that the only feasible option for the applicant is, indeed, vertical development. In any event, however, all new development, enlargement or expansion, is subject to the regulations set forth for the district in which the site is located, regardless of the fact that non-conformity already exists. Furthermore, while the existing layouts of the home and site may be constraining on the applicant, any hardship shall be considered self-imposed; no natural obstacles or unusual characteristics of the property exist that prevent the applicant from complying with the Ordinance.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It appears that the applicant simply wishes to enlarge an existing non-conforming structure 1.0' from a side property line.

RECOMMENDATION 5566**Date: October 5, 2009**

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

LOCATOR MAP



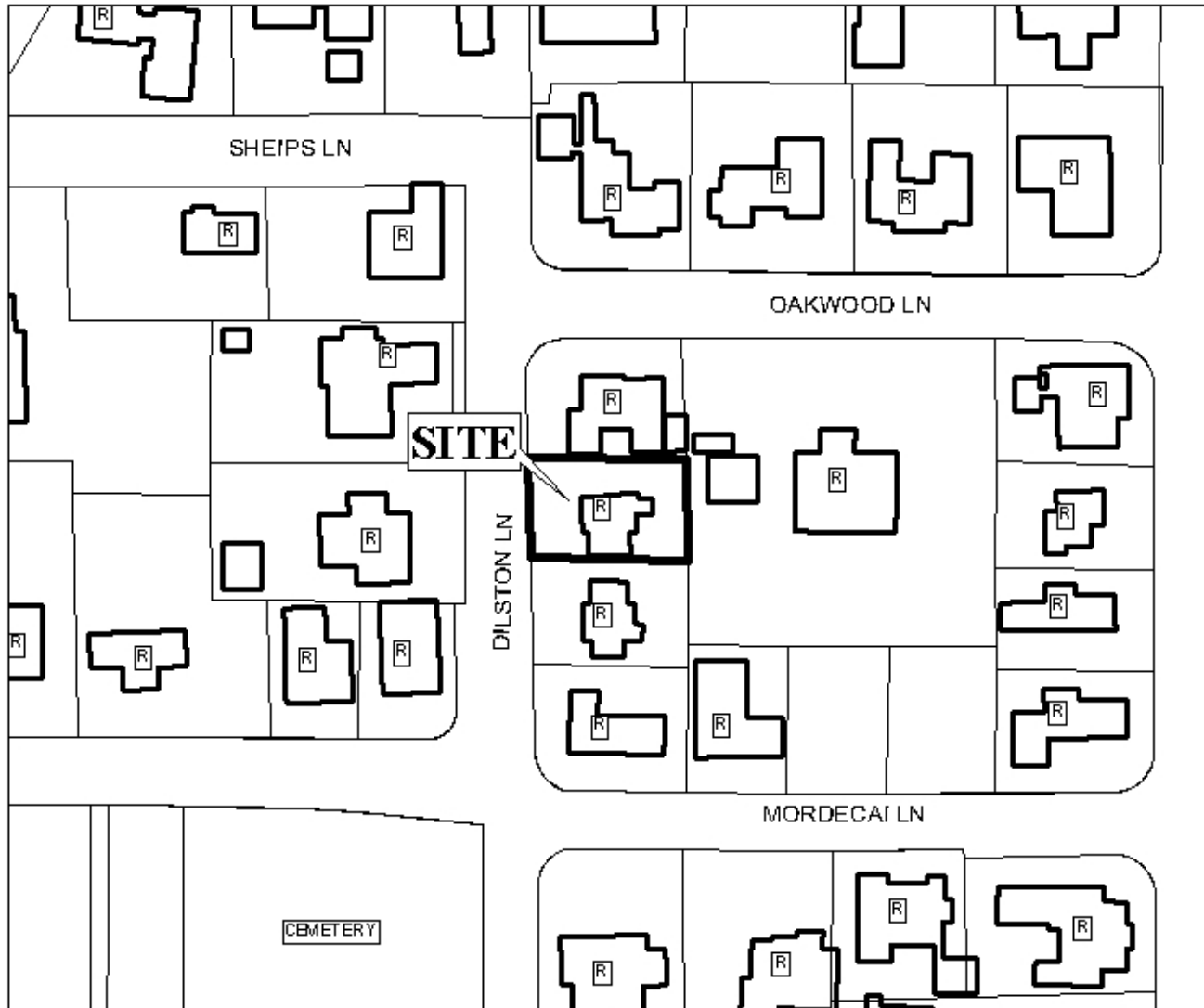
APPLICATION NUMBER 5566 DATE October 5, 2009

APPLICANT Lee Wallace

REQUEST Side Yard Setback Variance and Combined Side Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

APPLICATION NUMBER 5566 DATE October 5, 2009

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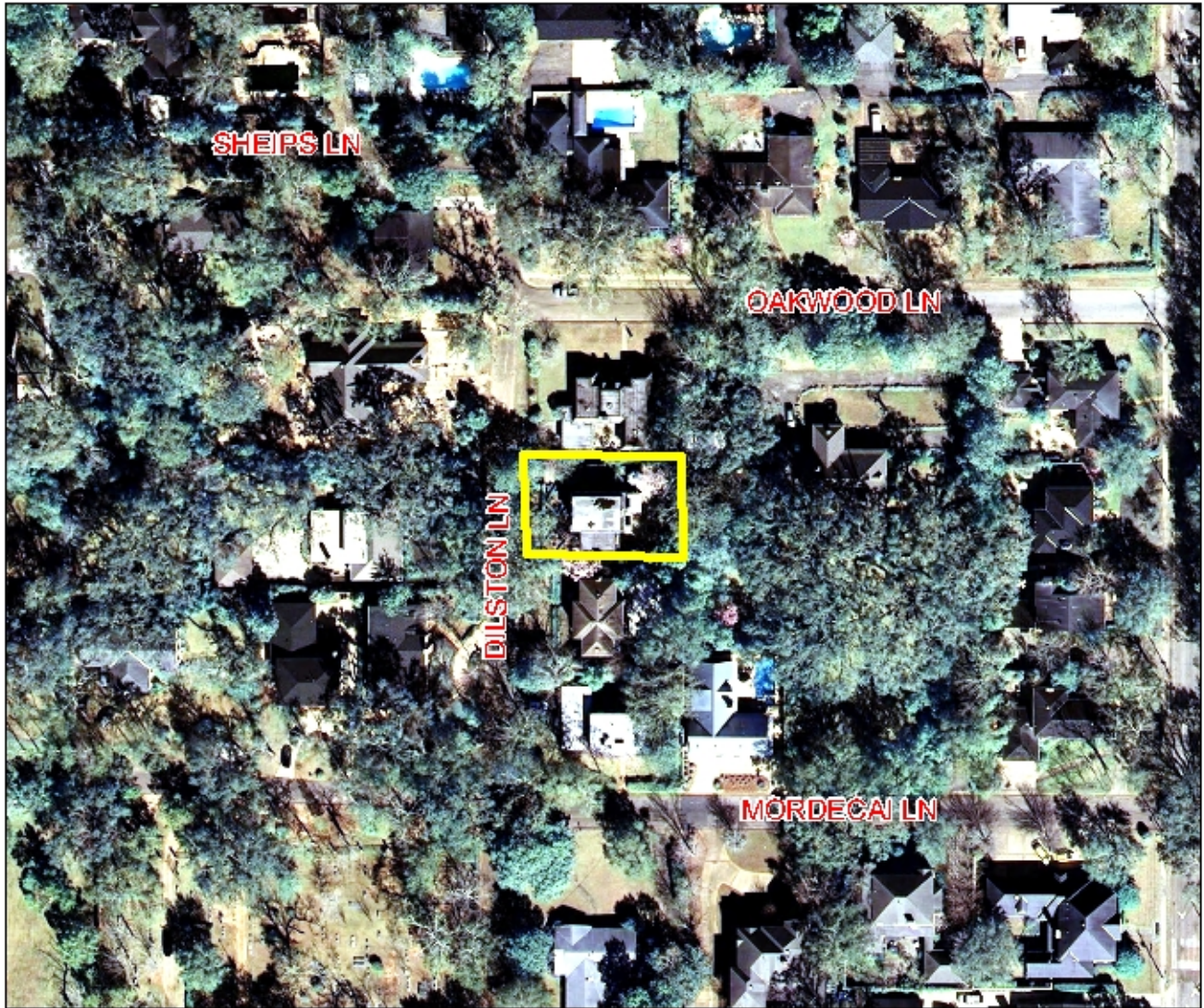
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LEGEND

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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

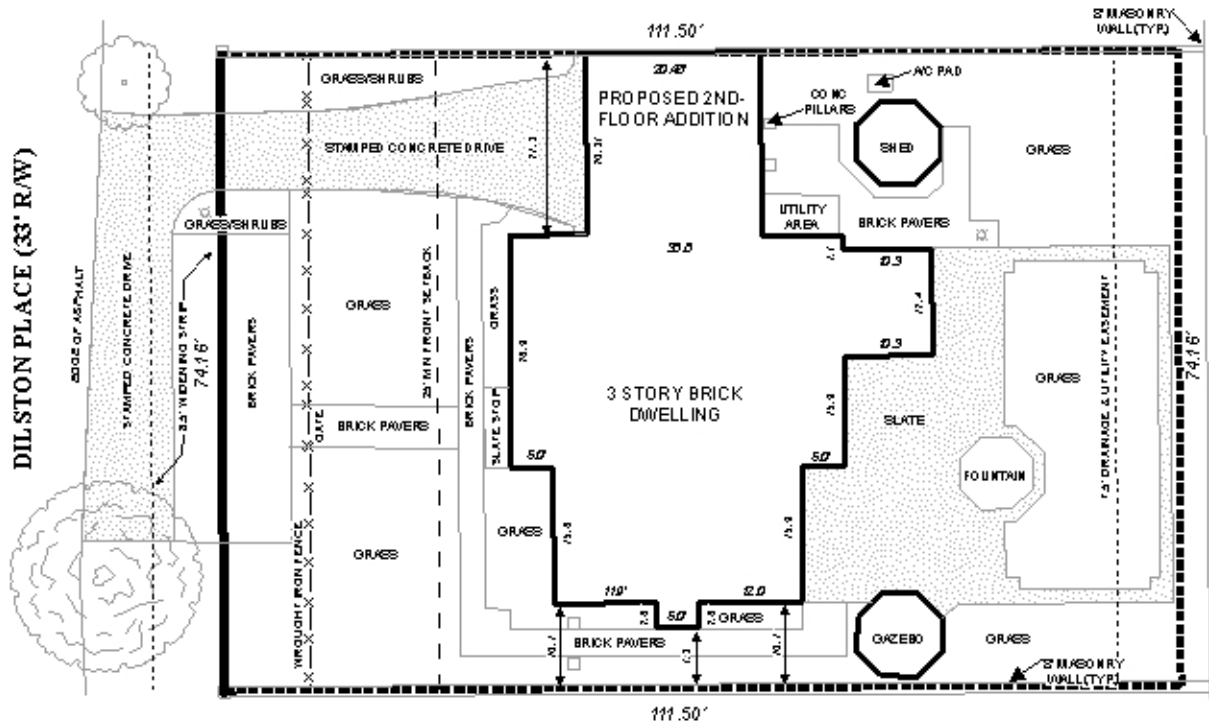
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SITE PLAN



This site plan illustrates existing structures with the proposed building addition and setbacks.

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NTS