

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

5694 / 5583

APPLICANT NAME

Frances Stanton Tate

LOCATION2702 Edgewood Street
(North side of Edgewood Street, 50'± West of Mobile Street).**VARIANCE REQUEST****SETBACKS:** Allow construction of a dwelling within 23 feet of the front property line.**SITE COVERAGE:** Allow 37.5% site coverage.**ZONING ORDINANCE
REQUIREMENT****SETBACKS:** A minimum front yard setback of 25 feet is required.**SITE COVERAGE:** A maximum site coverage of 35% is allowed.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

0.15Acre ±

**TRAFFIC ENGINEERING
COMMENTS**

None received.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

Front Yard Setback and Site Coverage Variances to allow the construction of a dwelling within 23 feet of the front property line and with 37.5% site coverage in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25-foot front yard setback and limits site coverage to 35% in an R-1, Single-Family Residential District.

The applicant received a variance from the Board of Zoning Adjustment on December 7, 2009, to construct a dwelling with 36% site coverage, but that met all setbacks. The dwelling has since been constructed, and, upon the final zoning inspection, it was found to not be in compliance with the approved site plan. An as-built site plan revealed that the dwelling was 23 feet from the front property line along Edgewood Street (as opposed to the 25.15 feet that was shown on the approved site plan), and that the structure was at 37.5% site coverage.

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.

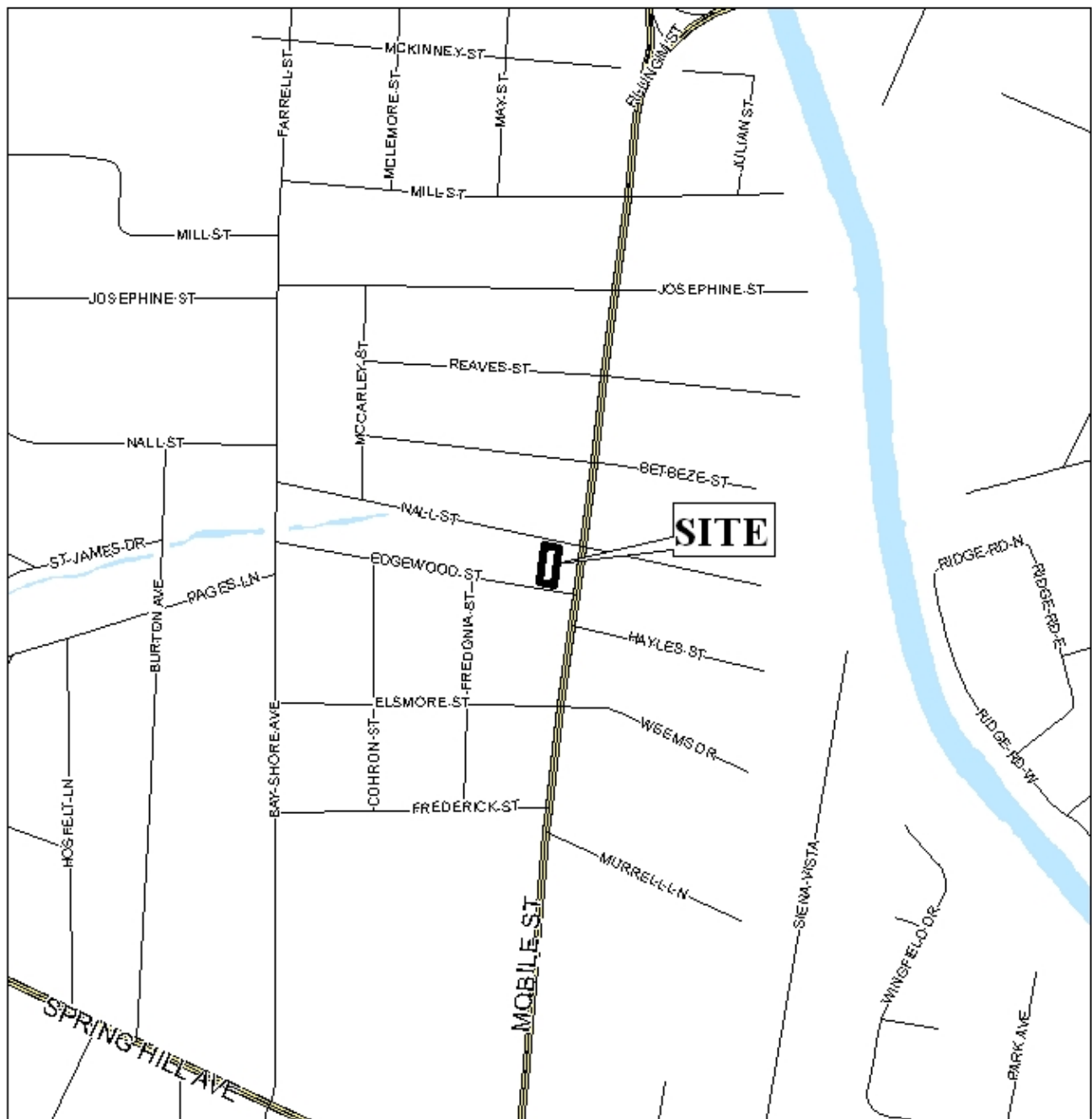
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant does not specifically state what the hardship on the property is, if any. The original 2009 variance stated that the house exceeded the site coverage allowance by 64 square feet in order to roof a patio and front porch. The site coverage now exceeds the allowable 35% by 140 square feet, more than double the originally requested variance. Additionally, the dwelling was constructed two feet into the required front yard setback, which was neither requested in the original variance, nor shown on the site plan that was submitted for the building permit. In fact, the building location should have been staked-out by a surveyor prior to the beginning of construction, as is common practice, so that this issue could have been avoided. There is no hardship on the property to warrant the granting of the variance.

RECOMMENDATION
denial.

Based upon the preceding, the request is recommended for

LOCATOR MAP



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APPLICANT Frances Stanton Tate

REQUEST Front Yard Setback, Side Yard Setback, and Site Coverage Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



An auto repair business is located to the north of the site. A church is located to the east of the site. The site is surrounded by single-family residential units.

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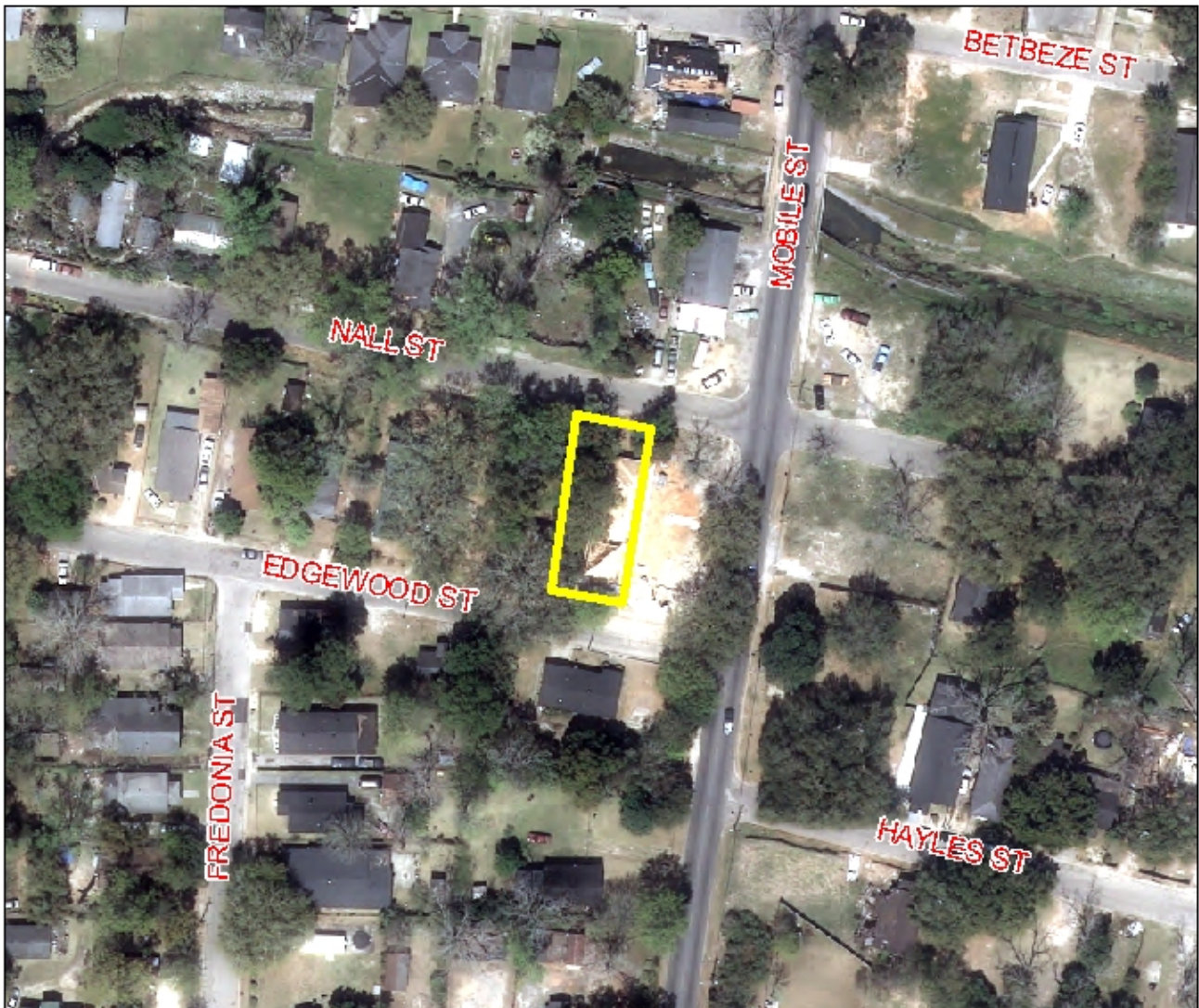
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LEGEND

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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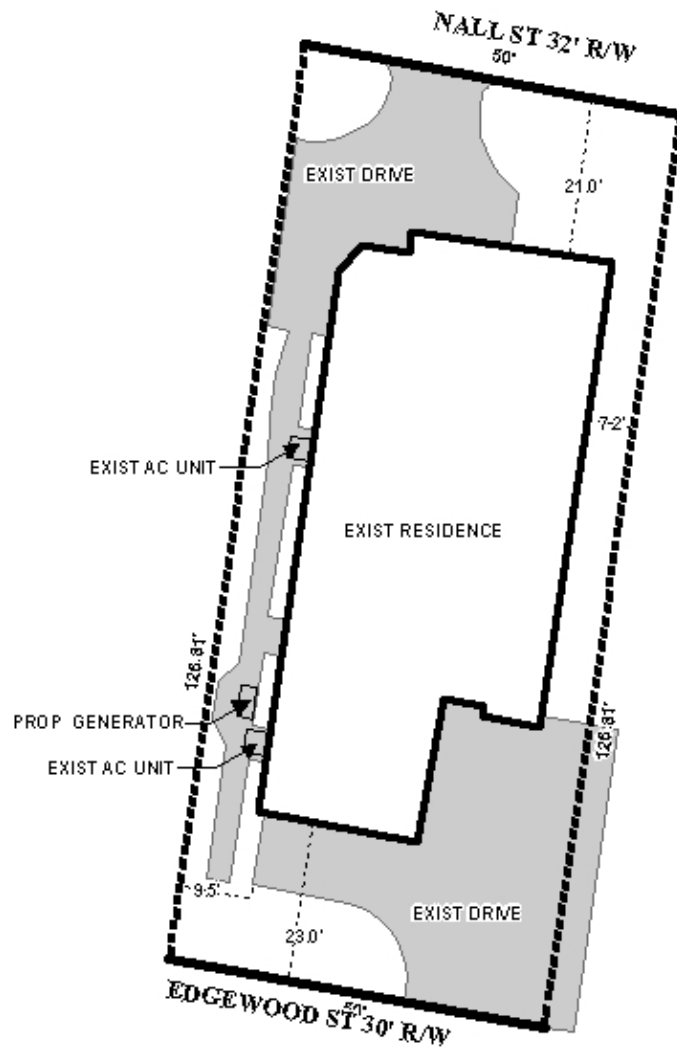
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NTS

SITE PLAN



The site plan illustrates the existing residence and proposed setbacks.

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