

APPLICATION NUMBER

5349

A REQUEST FOR

**SIDE YARD AND COMBINED SIDE YARD VARIANCES
TO ALLOW THE CONSTRUCTION OF A SINGLE-
FAMILY DWELLING WITH AN ATTACHED 12' X 24'
GARAGE WITHIN 1.9' OF A SIDE (EAST) PROPERTY
LINE, WITHIN 7.17' OF THE SIDE (WEST) PROPERTY
LINE AND TO ALLOW A COMBINED SIDE YARD TOTAL
OF 9.1'; AN 8' MINIMUM SIDE YARD SETBACK AND A
20' COMBINED SIDE YARD TOTAL ARE REQUIRED
FOR A 60' WIDE LOT IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT**

LOCATED AT

2304 TAYLOR AVENUE

(North side of Taylor Avenue, 495' ± East of Pinehill Drive))

APPLICANT/OWNER

MICHAEL M. BLANKENSHIP

BOARD OF ZONING ADJUSTMENT

MARCH 2006

The applicant is requesting Side Yard and Combined Side Yard Variances to allow the construction of a single-family dwelling with an attached 12' x 24' garage within 1.9' of a side (East) property line, within 7.17' of the side (West) property line and to allow a combined side yard total of 9.1'; an 8' minimum side yard setback and a 20' combined side yard total are required for a 60' wide lot in an R-1, Single-Family Residential District.

The applicant states that the residential dwelling he has lived in for the past 22 years was destroyed by Hurricane Katrina. The applicant states that after searching several months for residential house plans and consulting several homebuilders, a plan was decided on that would meet the applicants needs.

The Board approved a side yard setback variance in 1959 to allow the construction of a 12' x 24' garage within 1.9' of the East side property line. However, since site variances are site specific and the previous approval was for 1.9' and 10' was illustrated on the other side yard, the applicant must submit a side yard and combined side yard variances to allow for decreasing the side yard along the West side.

The Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, allow adequate circulation of light and air, and to impede the spread of fire and water run-off onto adjacent properties. Based upon the width of the lot (60' wide), the Ordinance would require an 8' side yard setback and a 20' total combined yard setback.

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 carport that is proposed to be attached to the side of the proposed dwelling, which as proposed will be 1.9-feet and "in-line" with the existing accessory building along the side (East) property line.

It should be noted that the shed to the North is a legal non-conforming structure and thus a variance is not needed.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. Moreover, the subdivision was developed prior to 1952, and as illustrated on the Vicinity Map, the area consists of similar lots where several structures do not 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 has submitted information indicating that the construction of a single-family dwelling on this site may not be contrary to the public interest.

RECOMMENDATION 5349**Date: March 6, 2006**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) provision of gutters and downspouts along both sides of the new structures.

LOCATOR MAP



APPLICATION NUMBER 5349 DATE March 6, 2006

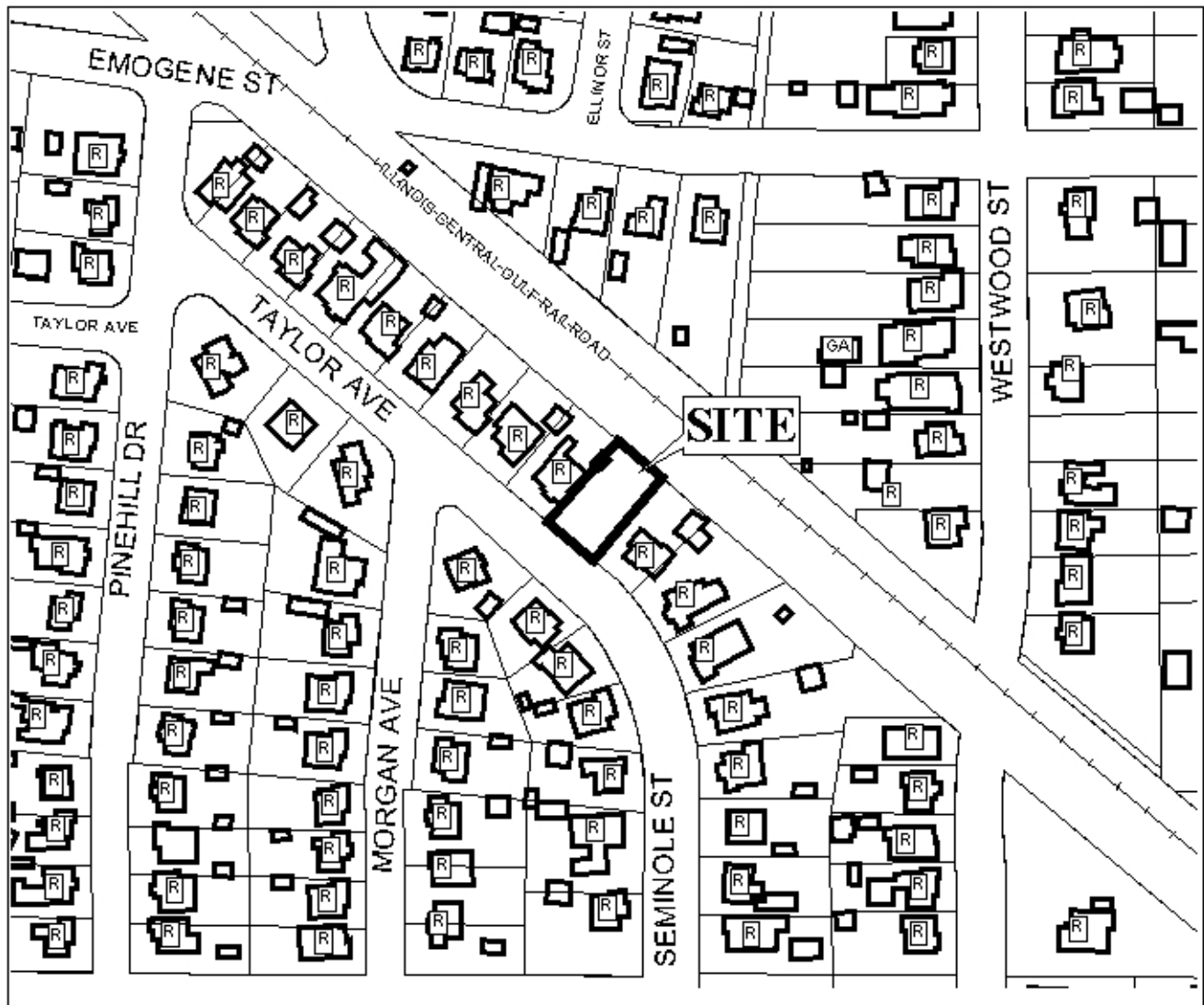
APPLICANT Michael M. Blankenship

REQUEST Side Yard, Combined Side Yard Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.

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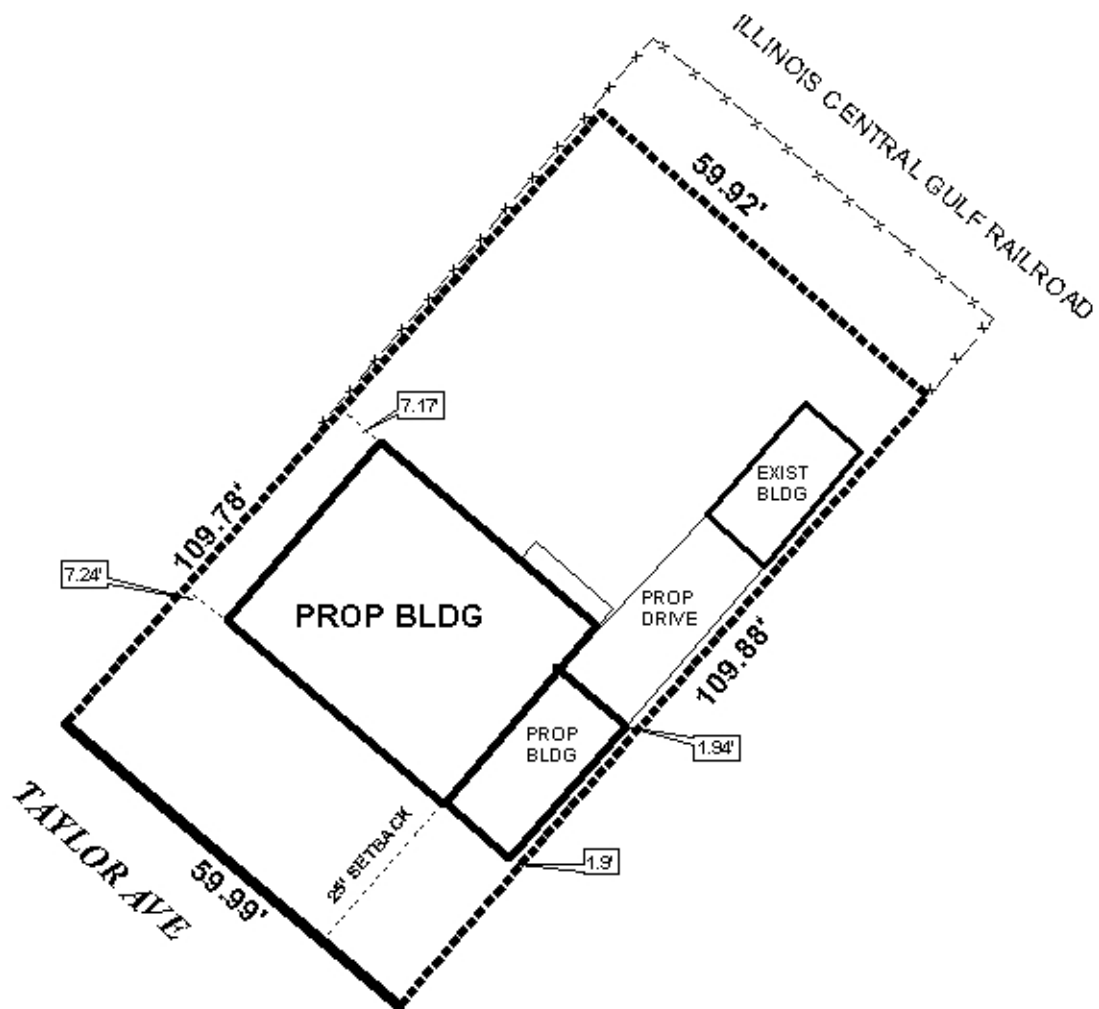
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



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SITE PLAN



The site plan illustrates the proposed buildings and setbacks

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