

APPLICATION NUMBER

5222

A REQUEST FOR

**SIDE YARD (STREET) SETBACK VARIANCE TO ALLOW
THE CONSTRUCTION OF A 26' X 33' GARAGE WITHIN
10' FROM THE SOUTH (STREET) SIDE PROPERTY LINE
AND THE CONSTRUCTION OF A 6' HIGH SOLID
WOODEN FENCE WITHIN 5' FROM THE SOUTH
(STREET) SIDE PROPERTY LINE; A MINIMUM SIDE
YARD SETBACK OF 20' IS REQUIRED, ALONG A SIDE
STREET IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT**

LOCATED AT

200 RIDGEWOOD PLACE

(Northeast corner of Ridgewood Place and The Cedars)

APPLICANT/OWNER

PAT MCFARLANE

AGENT

M. DON WILLIAMS, III

BOARD OF ZONING ADJUSTMENT

JANUARY 2004

The applicant is requesting a Side Yard (Street) Setback Variance to allow the construction of a 26' x 33' garage within 10' from the South (street) side property line and the construction of a 6' high solid wooden fence within 5' from the South (street) side property line; a minimum side yard setback of 20' is required, along a side street in an R-1, Single-Family Residential District.

The applicant proposes the construction of a 26' x 33' detached garage 10-feet from the side yard (street) property line along The Cedars. The applicant also proposes to construct a 6-foot high solid wooden fence 5-feet from the side yard (street) property line along The Cedars.

The applicant states that a front yard variance was recently granted to the residence at the Northwest corner of The Cedars and Tuthill Avenue that is similar to the present request. The applicant states the existing mature camellias within The Cedars right-of-way already hinder sight distance from the existing driveway off The Cedars, and as proposed the fence would be constructed behind the camellias without the loss of sight distance. The applicant states the proposed location of the garage allows maximum distance from an existing 36-inch Water Oak along The Cedars while allowing off-street parking for guest vehicles outside the garage.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. However this site is located in a suburban area, and as illustrated on the vicinity map, the site consists of a large lot which provides more than ample room for structures to comply with the setback requirements of the Zoning Ordinance. Additionally, the lot is almost two times wider than the standard 60-foot wide lot, upon which setbacks are based.

There are several issues to consider, the garage could be easily configured to comply with all setbacks by simply moving the garage ten-foot northward. Another issue concerns off-street parking for guest vehicles. As the applicant states, the proposed garage would allow guest parking; however, a ten-foot setback would place a portion of the vehicle within the right-of-way, possibly blocking pedestrian traffic along the sidewalk on The Cedars.

The applicant states that the existing camellias already hinder sight distance from the existing driveway off The Cedars. However, as proposed the new driveway with a six-foot wooden privacy fence, would further degrade visibility that could lead to a future mishap.

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

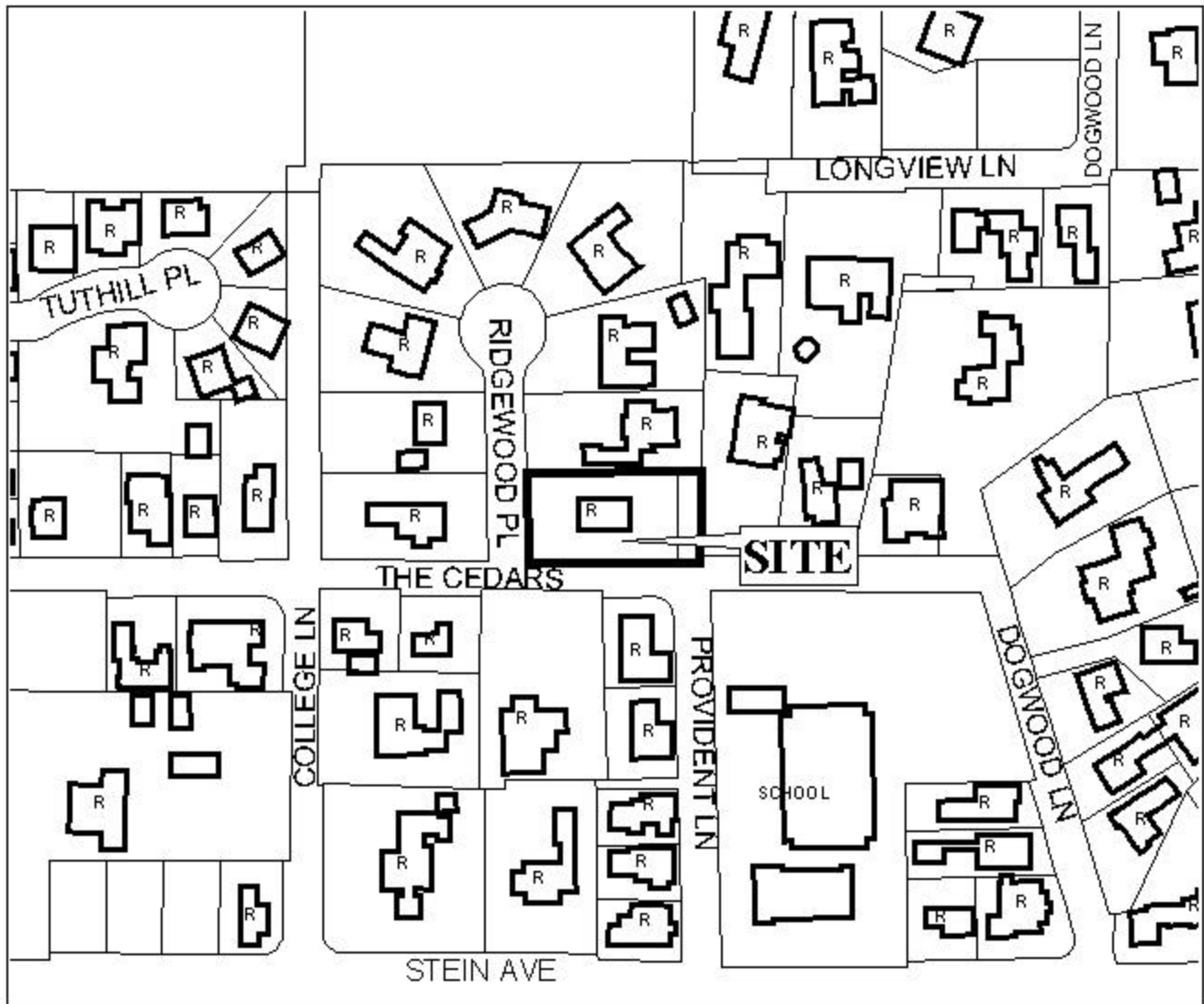
conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

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 construct a 26' x 33' garage within 10' from the South (street) side property line and to construct a 6-foot high solid wooden fence 5-feet from the side yard (street) property line along The Cedars. In addition, the granting of this variances could create undesirable line of sight issues.

RECOMMENDATION 5222**Date: January 12, 2004**

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 units. A school is located to the south of the site.

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APPLICANT Pat M. McFarlane

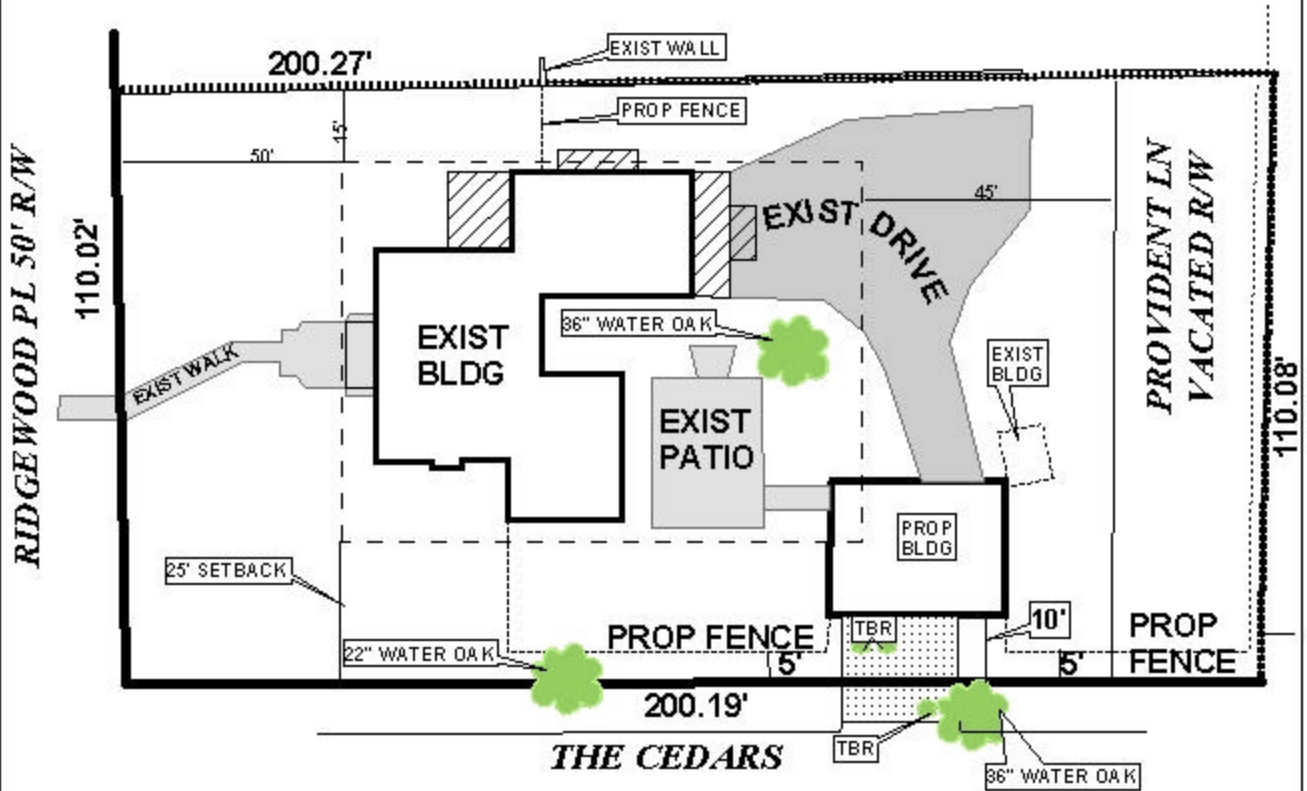
REQUEST Side Yard (Street) Setback Variance

LEGEND

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



SITE PLAN



The site plan illustrates the existing buildings, drives, and walks along with the proposed building, and proposed fencing.

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