

APPLICATION NUMBER

**4409/5367**

A REQUEST FOR

**SIDE (STREET) YARD SETBACK VARIANCE TO ALLOW  
THE CONSTRUCTION OF A 6-FOOT HIGH MASONRY  
PRIVACY WALL, WITH 7-FOOT COLUMNS, 0.5 FEET  
FROM A SIDE (SOUTH) STREET PROPERTY LINE; A 2-  
FOOT SIDE (STREET) YARD SETBACK IS REQUIRED  
ALONG A SIDE STREET WITH THE HISTORIC  
OVERLAY DISTRICT STANDARDS APPLIED, IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

**210 ROPER STREET**

(Northwest corner of Roper Street and Palmetto Street)

APPLICANT/AGENT

**ROE ROBERTSON CONSTRUCTION, INC.**

OWNER

**WILLIAM & PATRICIA PATTON**

**BOARD OF ZONING ADJUSTMENT**

AUGUST 2006

The applicant is requesting a Side (Street) Yard Setback Variance to allow the construction of a 6-foot high masonry privacy wall, with 7-foot columns, 0.5 feet from a side (South) street property line; a 2-foot side (street) yard setback is required along a side street with Historic Overlay District standards applied, in an R-1, Single-Family Residential District.

It is proposed to construct the wall from an intermediate side street corner of the house, extend it to within 0.5 feet of the side street property line, run parallel with the property line toward the rear of the property, then turn and run approximately six feet toward the interior of the property and connect to a corner of an existing detached carport. A previous variance was requested for this property in 1993 to allow the construction of the existing detached carport and a 6-foot high block and plaster wall within six feet of the side street property line, but the wall was never constructed. The site is within the Oakleigh Garden Historic District, and since the previous variance request, that area's setbacks became governed by the Historic District Overlay which states that the side yard setback on side streets may be no less than the side yard setback of the other corner lots, along the same street, at the same intersection. In this instance, the least allowable side street yard setback was determined to be about two feet, hence a variance is required for less than the governing two feet.

The Board has typically approved side yard variances to allow fences or walls higher than three feet, especially in older areas of the City, subject to Traffic Engineering approval, and Architectural Review Board approval in historic districts. A Side Yard Setback Variance to allow the construction of a 6' high wooden privacy fence with 8' high columns along a side street (Palmetto Street) property line was granted in November, 2004, for a similar corner site just one block West of this site. Traffic Engineering has reviewed this site and determined that the propose wall would create a line-of-sight problem for the subject property in that when existing the carport the driver would not be able to see pedestrian traffic traveling westbound on the sidewalk, and, likewise, pedestrians would not be able to see a vehicle exiting the carport. Subsequent to the Traffic Engineering review, the applicant has stated that the carport is not used for, and is too small to use for vehicle storage, and that it will likely be enclosed in the near future.

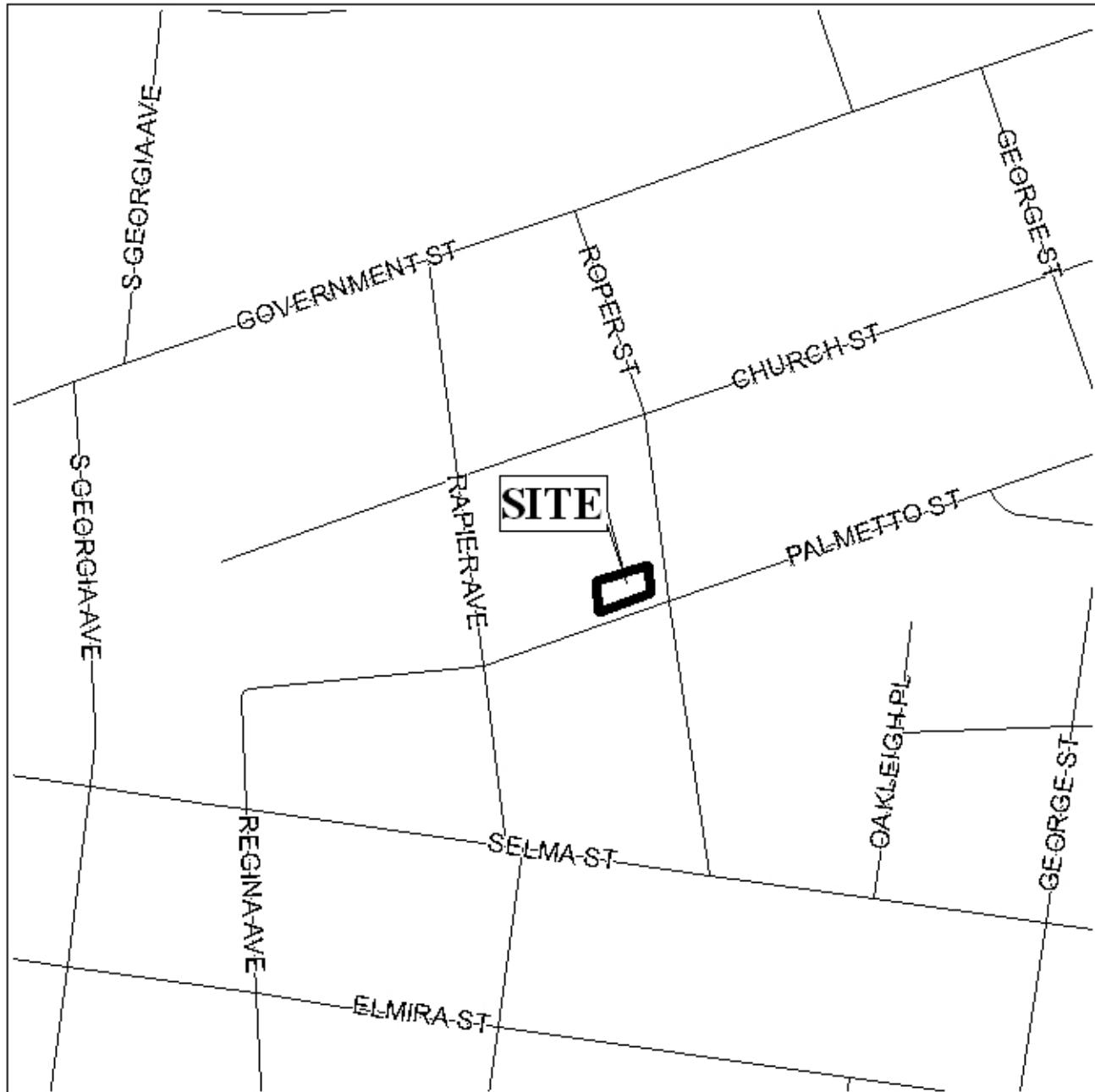
The Zoning Ordinance states that no variance shall be granted where economics art the basis for the application; and , unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 furnished no supporting documentation to warrant a hardship, and it is simply the applicant's desire to construct a 6-foot masonry privacy wall, with 7-foot columns, 0.5 feet from the side street yard property line.

**RECOMMENDATION 4409/5367****Date: August 7, 2006**

Based upon the preceding, this application is recommended for approval subject to the following conditions: (1) the carport not be used for vehicle parking; (2) the approval from the Architectural Review Board prior to the issuance of any permits; and (3) coordination with Urban Forestry on the wall foundation to minimize any damage to heritage tree root systems.

## LOCATOR MAP



APPLICATION NUMBER 4409/5367 DATE August 7, 2006

Roe Robertson Construction, Inc.

APPLICANT (William & Patricia Patton, Owners)

REQUEST Side (Street) Yard Setback Variance

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NTS

**BOARD OF ADJUSTMENT  
VICINITY MAP - EXISTING ZONING**



Single-family residential units are located on all sides of the site.

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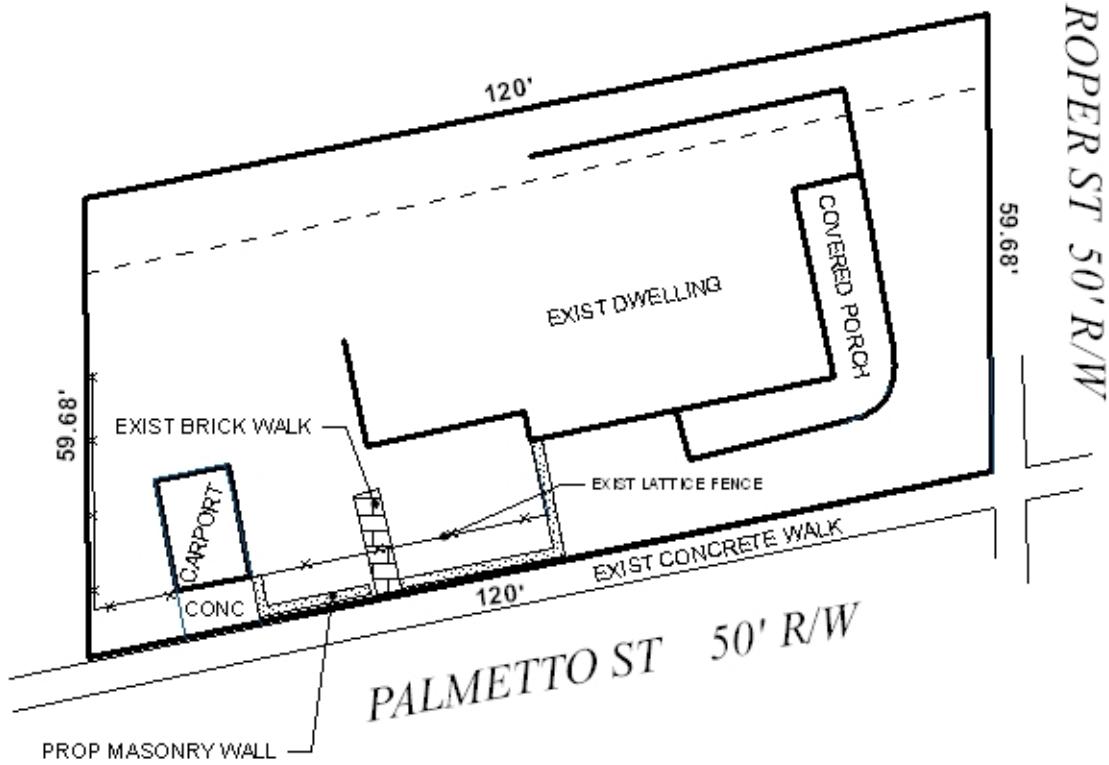
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LEGEND

														NTS
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	NTS

# SITE PLAN



This Site Plan illustrates the existing brick walk, dwelling, and proposed masonry wall.

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NTS