

APPLICATION NUMBER

**5436**

A REQUEST FOR

**USE VARIANCE TO ALLOW AN ACCESSORY  
STRUCTURE TO BE USED AS AN ADDITIONAL  
DWELLING IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT; ONLY ONE DWELLING IS ALLOWED ON A  
SITE IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT.**

LOCATED AT

**3013 RIVERSIDE DRIVE**

(East side of Riverside Drive, 70'± North of Grove Court)

APPLICANT/OWNER

**CARL B. & BRENDA J. HUMPHREYS**

AGENT

**CARL B. HUMPHREYS**

**BOARD OF ZONING ADJUSTMENT**

OCTOBER 2007

The applicant is requesting a Use Variance to allow an accessory structure to be used as an additional dwelling in an R-1, Single-Family Residential District; only one dwelling is allowed on a site in an R-1, Single-Family Residential District.

The applicant recently purchased the subject property along with its parent parcel. The subject site was separated from the parent lot via a metes and bounds deed in 2006, but the applicant has purchased both parcels and re-established the legal description as a single lot of record. The site consists of three buildings, the primary dwelling toward Dog River and two accessory structures. The accessory structure in the middle of the lot is a two-story building with a garage below and apartment above. The subject of this variance request is the structure closest to Riverside Drive containing two bedrooms and a bath. The applicant desires to use this structure as a dwelling for his mother-in-law.

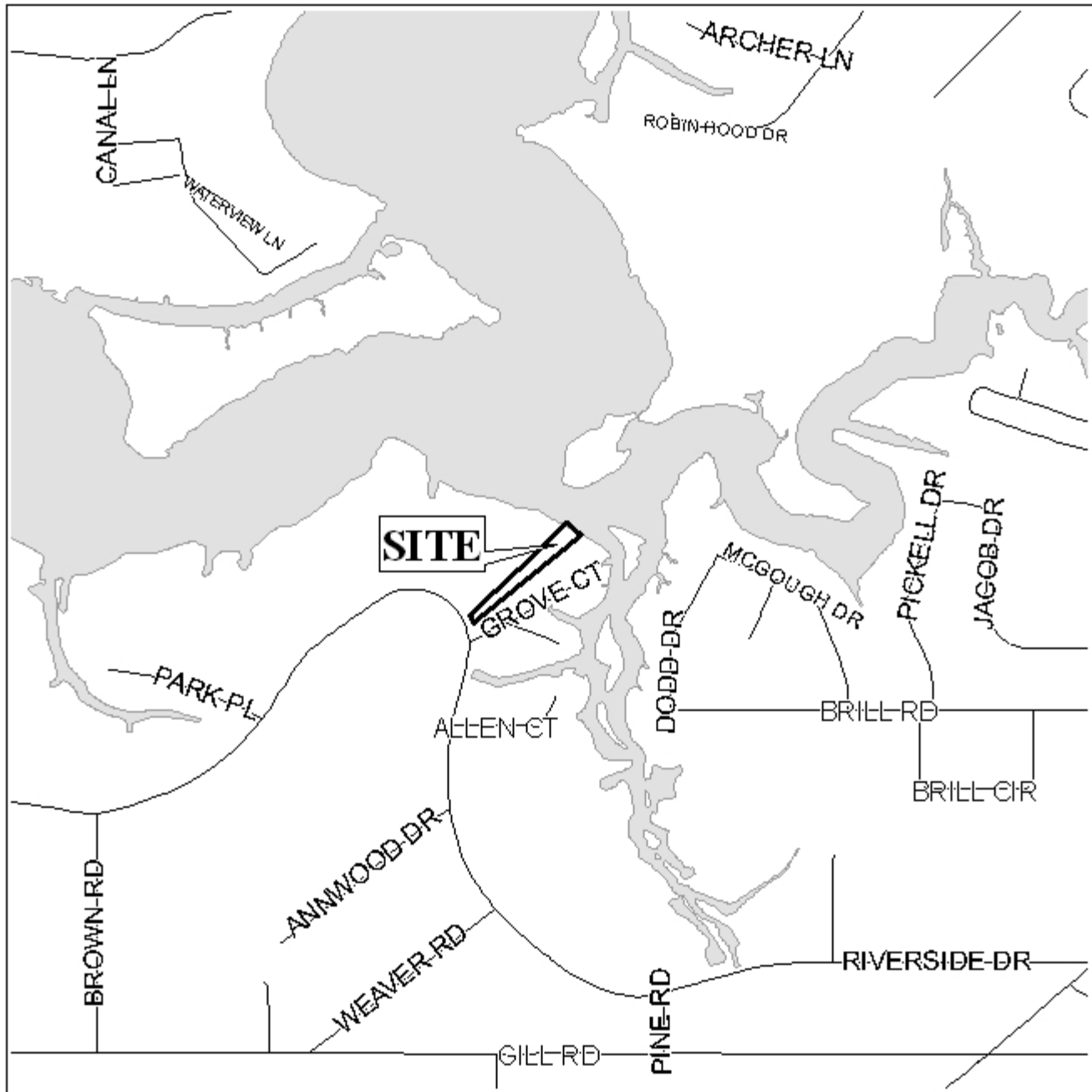
The subject structure was damaged by a tree during Hurricane Katrina (August, 2005) and has been vacant since, thus it has lost its legal nonconforming use right. The building permit for its repair was issued in December, 2006, and reissued in May, 2007. No inspections have been done on the repairs. In use variance cases where a hardship must be shown to be imposed by the property, hurricane damage could be considered a disruptive hardship. However, the legal nonconforming use history of the property prior to such disruption by the hardship must be established. In this instance, the applicant has not been successful in obtaining such from the previous owner(s) and has had to rely upon information furnished by the property manager for the previous owner. That information only goes back to September 2004 for all three units on the site. Other information provided by the property manager and staff research does not clearly establish the use of each unit prior to that time. Therefore, a legal nonconforming basis at the time of disruption cannot be established nor can a determination be made on this request.

Due to the lack of information furnished by the applicant, the Board should consider a **HOLDOVER** for this request to allow the applicant further time to comprise the use history of the three units on the site.

**RECOMMENDATION 5436****Date: October 1, 2007**

Based on the preceding, this application is recommended for HOLDOVER to the November meeting to allow the applicant to furnish a detailed use history of each unit on the site prior to September 2004. This information should be submitted to Planning no later than October 17.

## LOCATOR MAP



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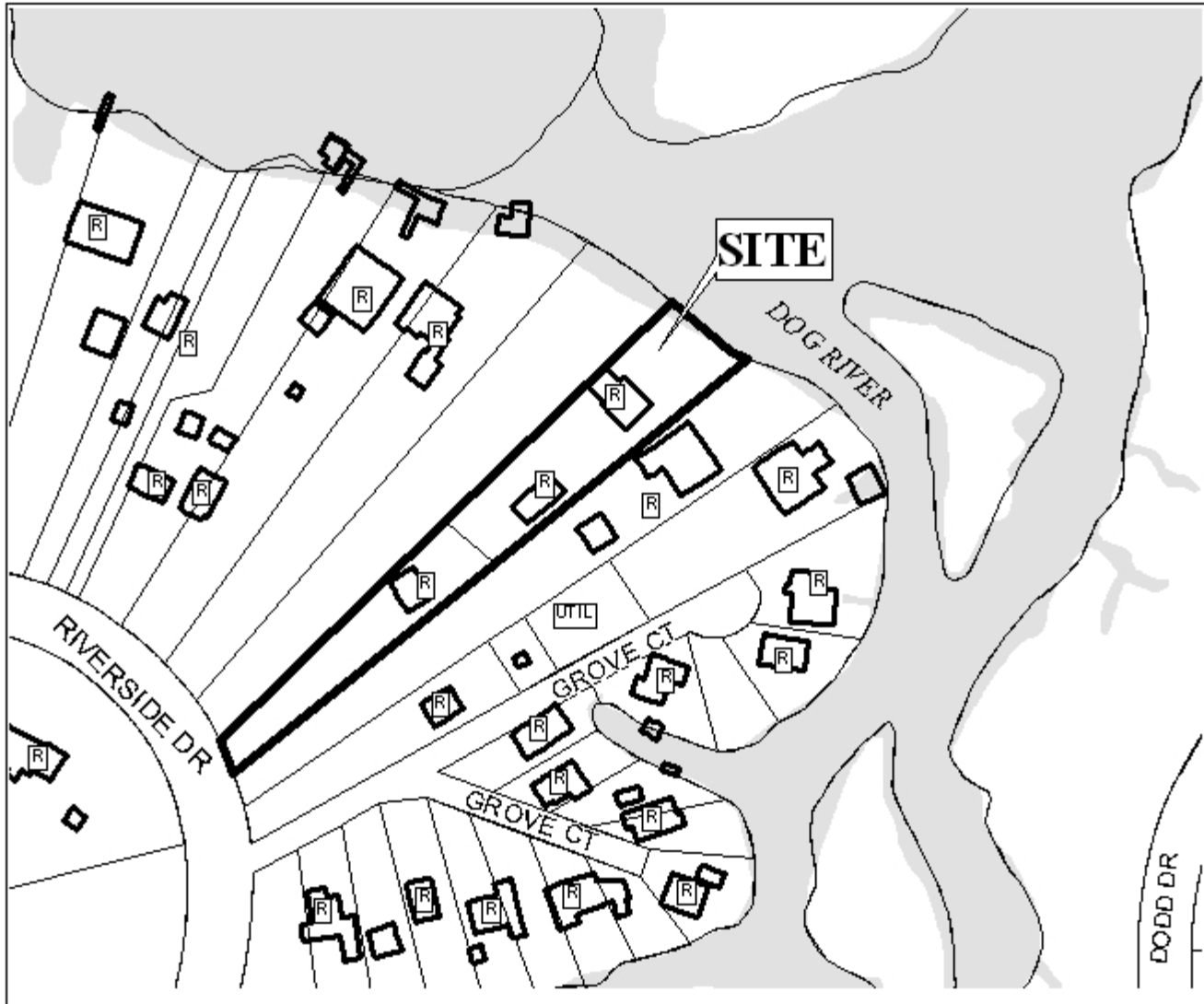
APPLICANT Carl B. & Brenda J. Humphreys

REQUEST Use 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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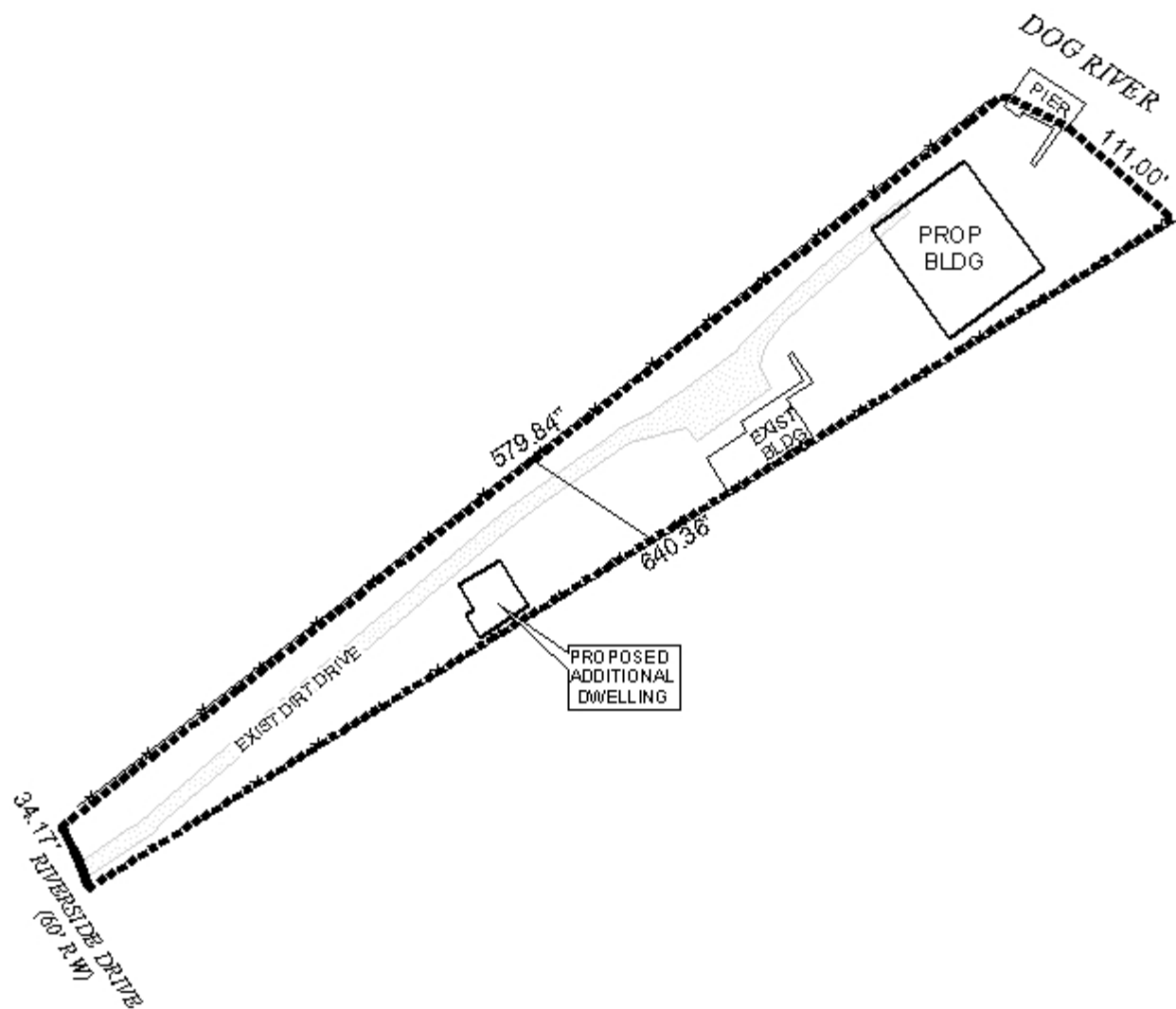
REQUEST Use Variance

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

## SITE PLAN



The site plan illustrates existing buildings, drive, proposed buildings, and proposed improvements.

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