

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 6, 2011**

<u>CASE NUMBER</u>	5680
<u>APPLICANT NAME</u>	Steve Greene
<u>LOCATION</u>	914 Henckley Avenue (West side of Henckley Avenue, 564'± North of Chandler Street)
<u>VARIANCE REQUEST</u>	SETBACKS: Allow construction of a new single-family dwelling with a side yard sum of 15.2 feet on a 50-foot wide lot.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACKS: A minimum side yard sum of 16.7 feet is required on a 50-foot wide lot.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.2 Acre ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received
<u>CITY COUNCIL DISTRICT</u>	District 6

ANALYSIS The applicant is requesting a Combined Side Yard Setback Variance to allow a total combined side yard setback of 15.2 feet on a 50-foot wide lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a total combined side yard setback of at least 16.7 feet on a 50-foot wide lot in an R-1, Single-Family Residential District.

The applicant wishes to construct a new single-family dwelling on an existing 50-foot wide lot that does not meet the required setback.

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.

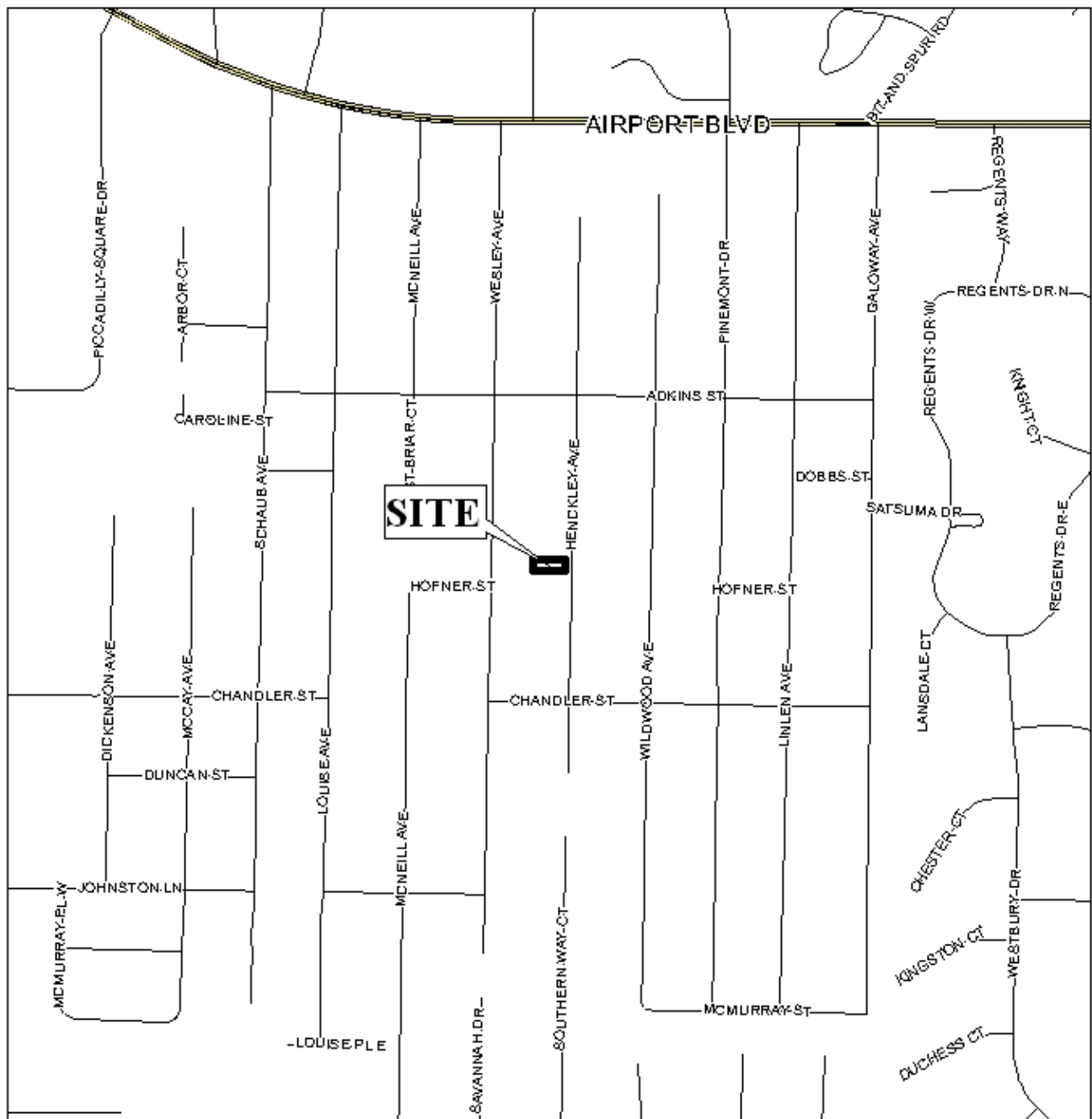
The applicant does not specifically state what the hardship on the property is, if any. The applicant, in fact, was issued a building permit on April 27, 2011, to construct a compliant dwelling on the site. The applicant now wishes to brick the exterior walls instead of having siding on them. Setbacks are already reduced on 50-foot wide lots by the Zoning Ordinance because they are smaller than the standard lot size allowed by the Ordinance and the Subdivision Regulations. In this case, it would seem that there is no hardship on the property.

Given that no justifiable hardship exists, and the fact that the applicant already has been issued a building permit for a compliant structure on the site, the request should be denied.

RECOMMENDATION
for denial.

Based upon the preceding, this application is recommended

LOCATOR MAP



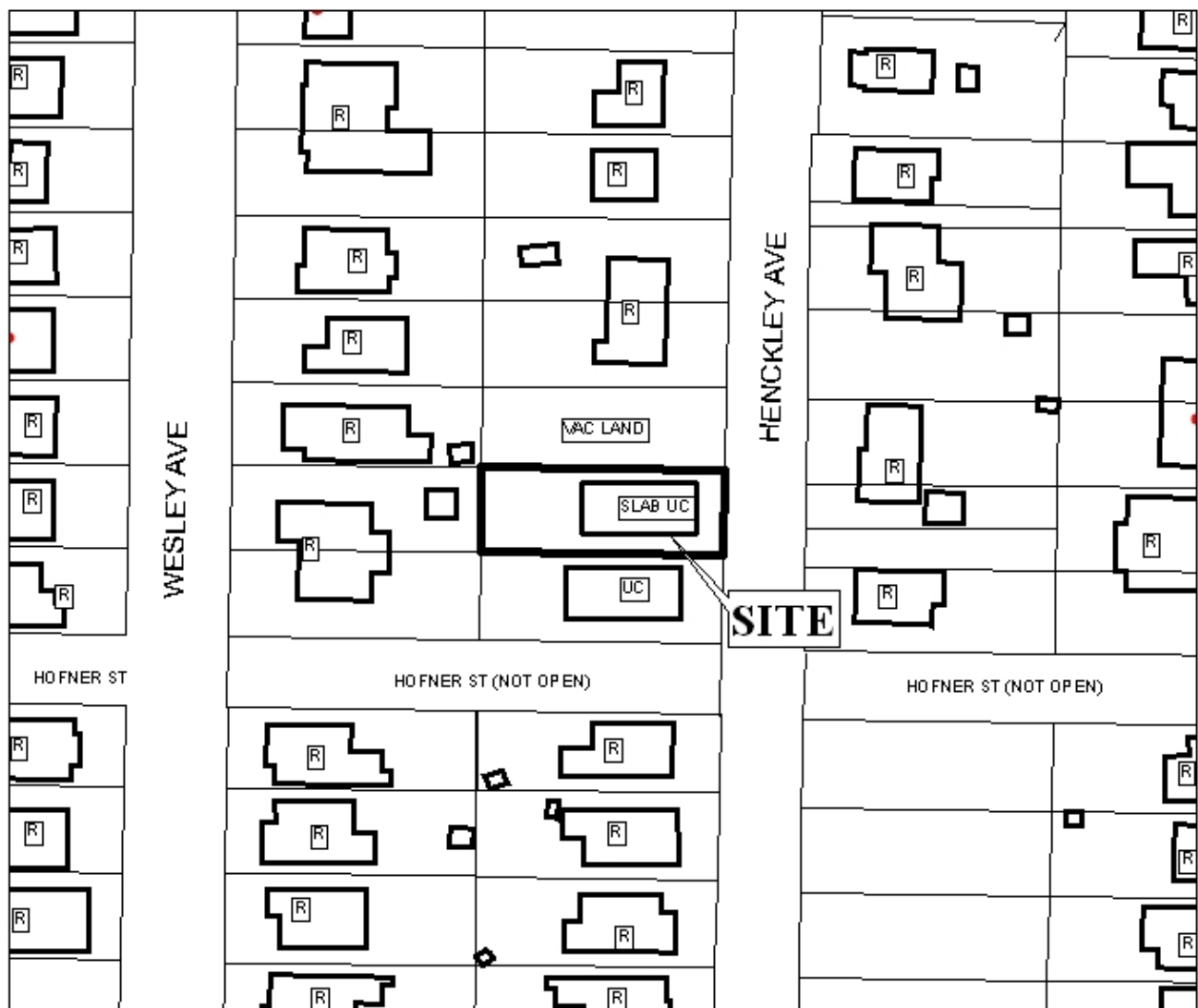
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.

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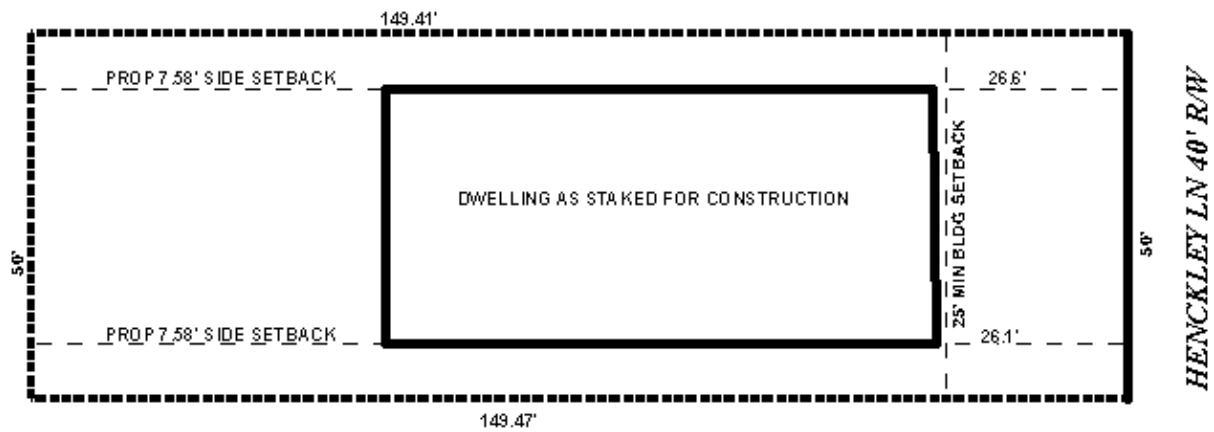
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LEGEND

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

SITE PLAN



The site plan illustrates the proposed residence and setbacks.

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