

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 2, 2012**

<b><u>CASE NUMBER</u></b>	5759
<b><u>APPLICANT NAME</u></b>	Randall Lanier Wood
<b><u>LOCATION</u></b>	4812 Pine Court (North side of Pine Court, 120'± East of Ridgelawn Drive East)
<b><u>VARIANCE REQUEST</u></b>	<b>SETBACK:</b> Side Yard Setback to allow the construction of a carport within 2.6 feet of the side property line in an R-1, Single Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SETBACK:</b> Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single Family Residential
<b><u>AREA OF PROPERTY</u></b>	0.31 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7

**ANALYSIS** The applicant is requesting Side Yard Setback to allow the construction of a carport within 2.6 feet of the side property line in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) lot in an R-1, Single-Family Residential District.

The applicant proposes to build an approximately 529 square foot two-car carport over the existing driveway with a covered walkway connecting to the house. The applicant states that the carport is needed in order to provide protection from exposure to rain, sun, and excessive heat for his wife who is undergoing cancer treatment.

The location of the proposed carport extends approximately 4 feet into a 7.5 feet wide drainage and utility easement on the West side of the property. The applicant has begun the process to have the easement vacated; however, despite the fact that Traffic Engineering, Engineering, Fire, Police, Planning, and Real Estate have all responded to the request with no objections, the City Clerk is unable to proceed with the vacation process until the applicant submits a declaration of vacation signed by all property owners and letters of consent from all utility companies. Once the required documentation is submitted, a notice of a public hearing will be advertised for four weeks after which the City Council will hold a public hearing and approve or disapprove the vacation.

According to the site plan submitted by the applicant, the proposed addition will bring the total site coverage to approximately 24%. However, it should be noted that there is a 271 square foot covered deck illustrated on the site plan. There appear to be no building permits that have been obtained for the structure which is located on the rear and side property line as well as in the easement the carport is proposed to be located in.

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.

There are existing utilities that prevent the carport from being placed closer to the house. Even if these utilities were relocated, the carport would extend into the required 8 foot setback as well as the 7.5 foot drainage and utility easement. However, the applicant states that the primary reason behind the request for a reduced side yard setback is for the provision of a carport for his wife who is undergoing cancer treatment. There is adequate room for a one-car carport to be constructed without encroaching into the required side yard setback or drainage and utility easement. Furthermore, if the driveway were extended, it would be possible to locate a two-car carport behind the house without encroaching into any setbacks.

It should also be noted that as illustrated on the submitted site plan, the walkway connecting the carport to the house extends approximately 1 foot into the 30 foot front yard setback. The applicant can submit a 1-lot subdivision to have the 30 foot front yard setback reduced to the standard 25 foot requirement, or revise the proposed location of the walkway to not encroach into the front yard setback.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The proposed carport could be repositioned to be located behind the existing dwelling or reconfigured to accommodate only one-car with the covered

walkway altered slightly and would fulfill the applicant's desire to provide protection from rain, sun, and excessive heat for his wife while not encroaching into the required side yard setback, front yard setback, or easement, illustrating a self-imposed hardship.

**RECOMMENDATION:**

for denial.

Based on the preceding, this application is recommended

# LOCATOR MAP



APPLICATION NUMBER 5759 DATE July 2, 2012  
APPLICANT Randall Lanier Wood  
REQUEST Side Yard Setback Variance



















# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.

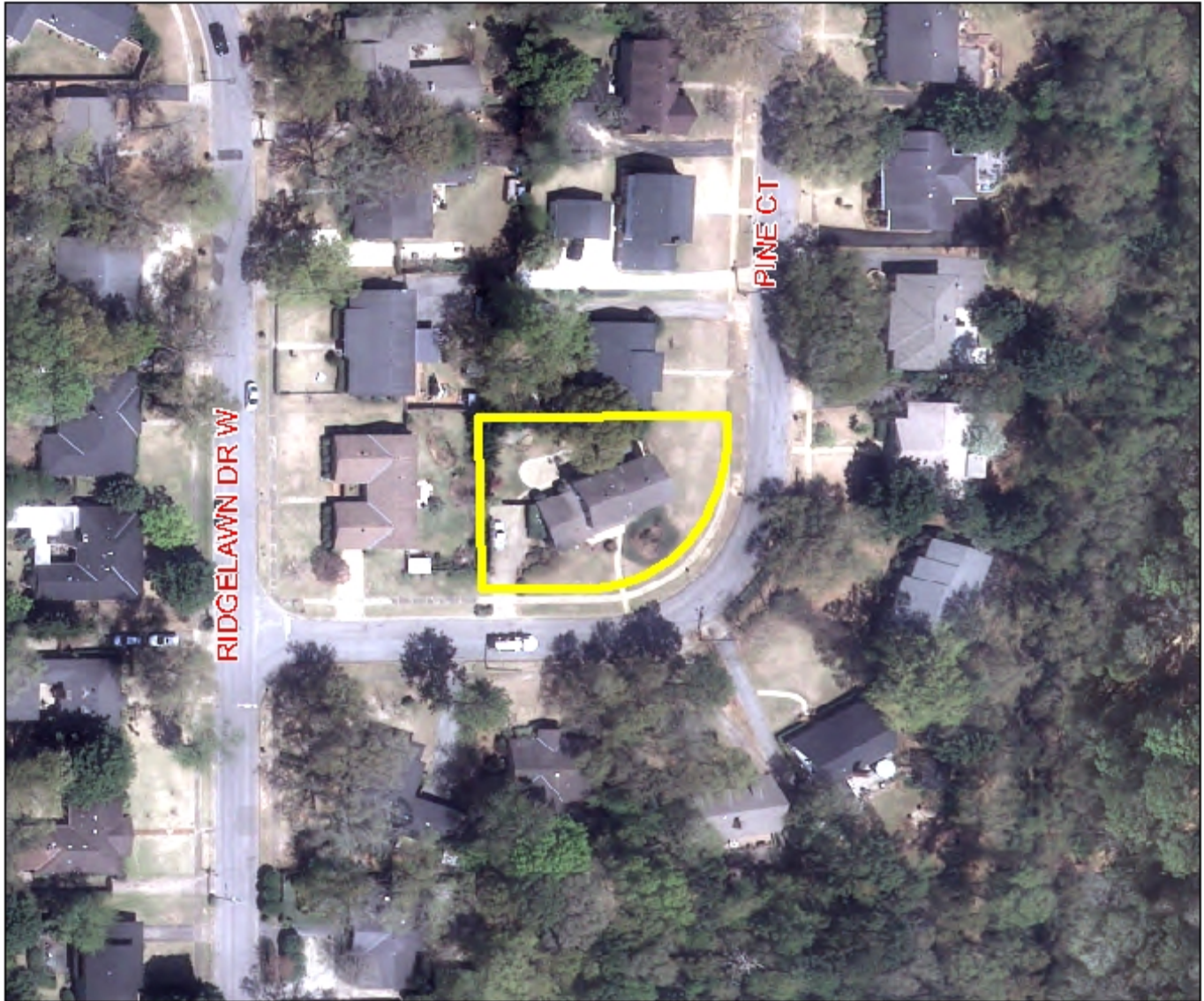
APPLICATION NUMBER 5759 DATE July 2, 2012  
 APPLICANT Randall Lanier Wood  
 REQUEST Side Yard Setback Variance

LEGEND

																NTS
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		



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

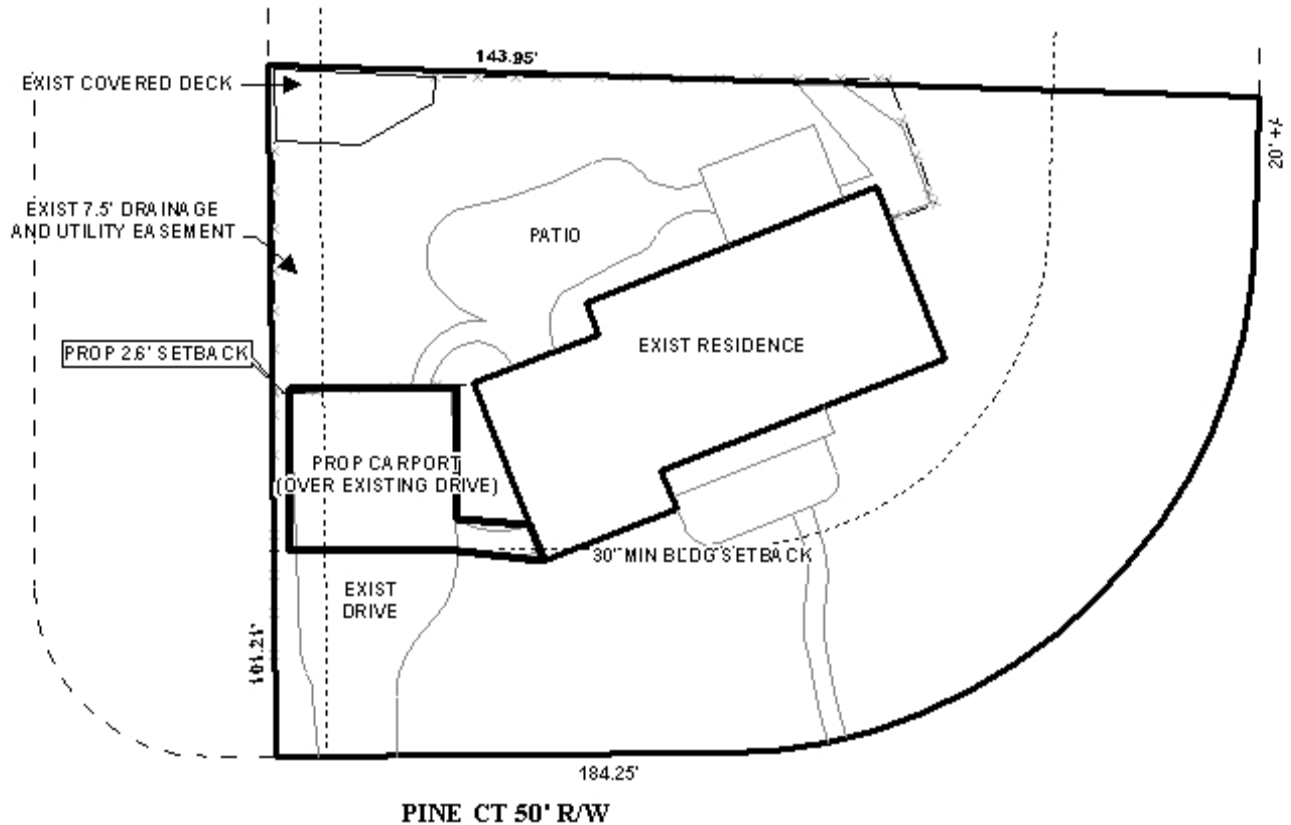


The site is surrounded by single-family residences.

APPLICATION NUMBER 5759 DATE July 2, 2012  
APPLICANT Randall Lanier Wood  
REQUEST Side Yard Setback Variance



# SITE PLAN



The site plan illustrates the existing residence and proposed carport addition.

APPLICATION NUMBER 5759 DATE July 2, 2012  
APPLICANT Randall Lanier Wood  
REQUEST Side Yard Setback Variance

