

APPLICATION NUMBER

5242

A REQUEST FOR

**SIDE YARD (STREET) SETBACK VARIANCE TO ALLOW
A (2,216) ADDITION TO AN EXISTING DWELLING
WITHIN 14' OF THE EAST (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

751 NORTH CAROLINA STREET

(Southwest corner of North Carolina Street and South Scott Street)

APPLICANT/OWNER

ELIJAH MATEEN

BOARD OF ZONING ADJUSTMENT

MAY 2004

The applicant is requesting a Side Yard (street) Setback Variance to allow a (2,216 sq.ft) addition to an existing dwelling within 15' of the East (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 addition of a 2,216 sq.ft. to an existing single-family dwelling within 14-feet from the side yard (street) property line along South Scott Street. The applicant goes on to say that the addition consists of a family room, bedroom, dining room, bathroom, double-carport, and that the proposed addition would be in line with the existing dwelling. The applicant further states the existing dwelling has a small living area and the additional room would maximize the house and make it more comfortable to live in.

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

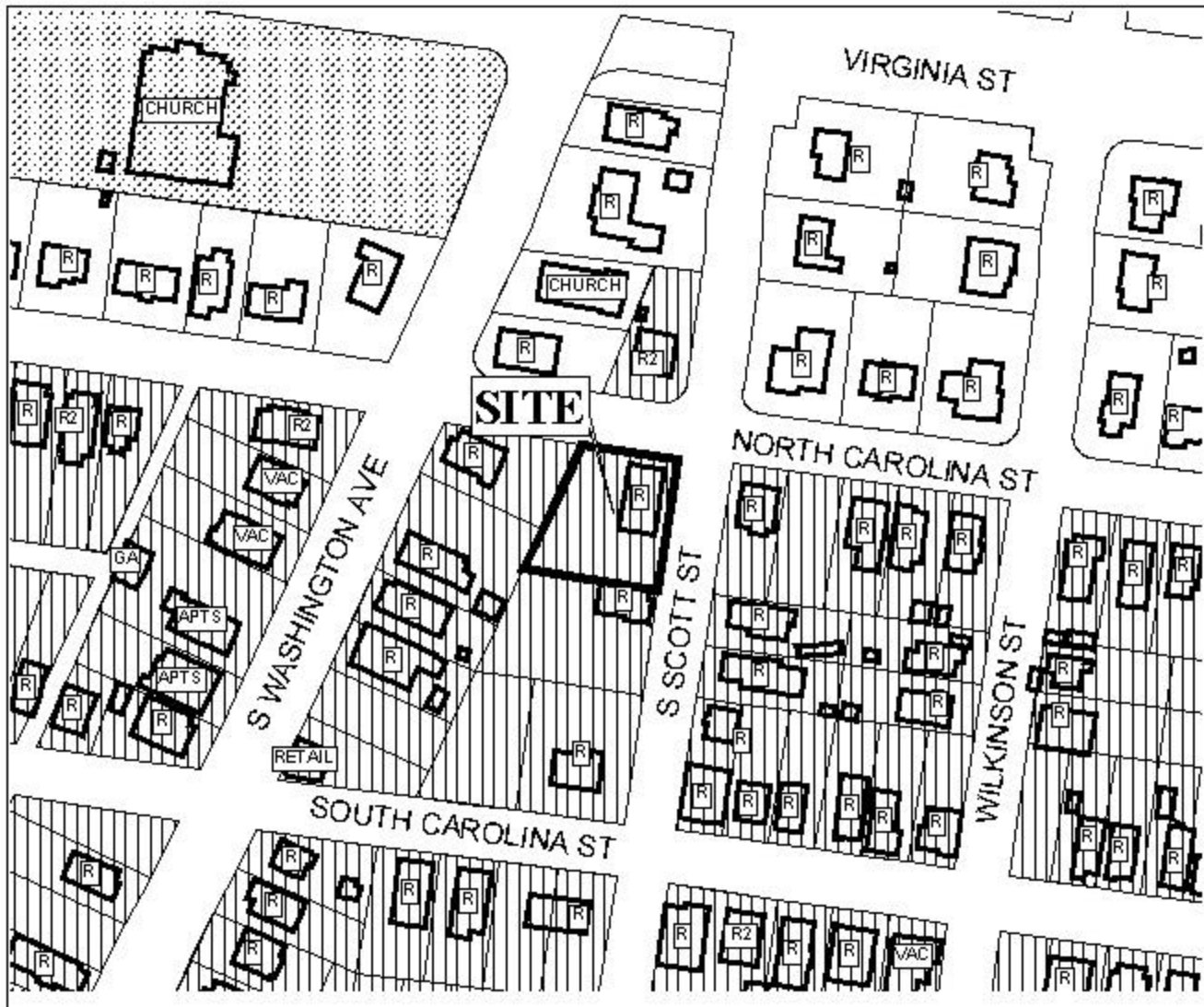
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

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 to construct a 2,216 sq.ft. addition within 14-feet from the side yard (street) side property line.

RECOMMENDATION 5242**Date: May 3, 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 and multi family residential dwellings. Churches are located to the north of the site. A retail store is located to the south of the site.

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APPLICANT Elijah Mateen

REQUEST Side Yard (Street) Setback Variance

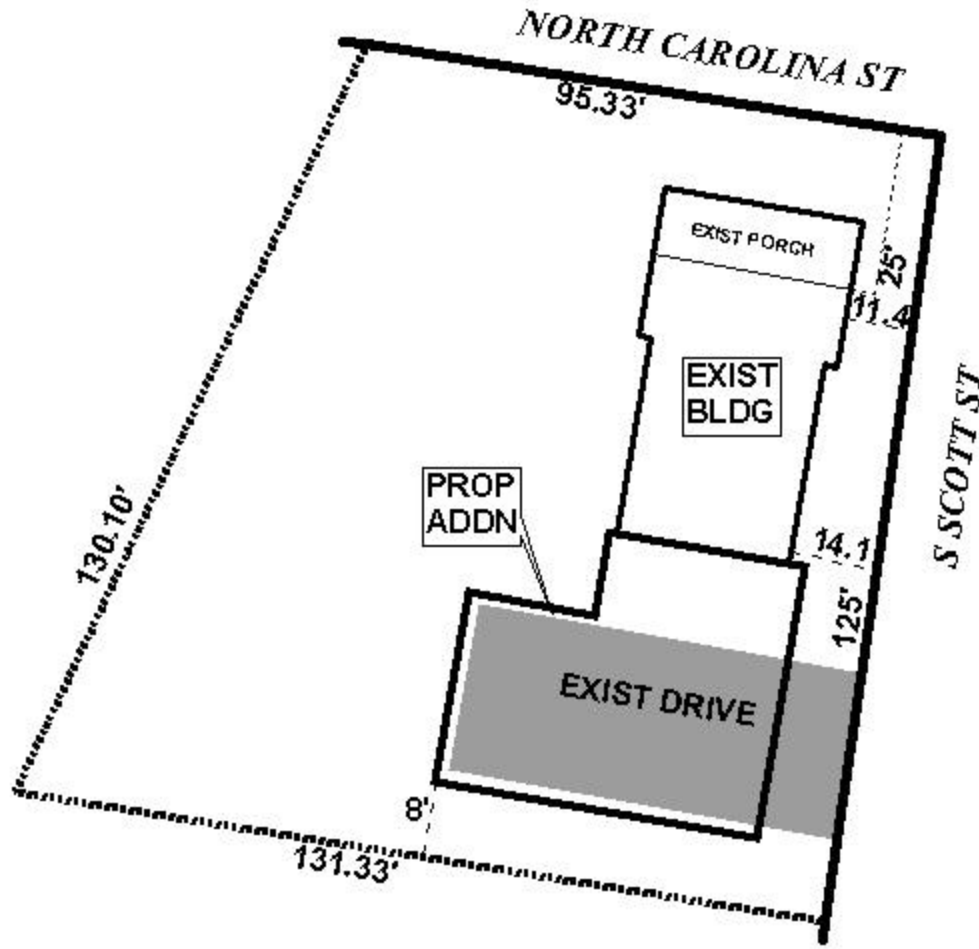
LEGEND

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



The site plan illustrates the proposed addition, existing building, and existing driveway

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