

APPLICATION NUMBER

5556

A REQUEST FOR

**FRONT YARD, SIDE STREET YARD, AND COMBINED SIDE
YARD VARIANCES TO ALLOW AN ADDITION TO A
SINGLE-FAMILY DWELLING WITHIN 22.0' OF THE FRONT
PROPERTY LINE AND 5' OF A SIDE STREET PROPERTY
LINE, WITH 10' OF COMBINED SIDE YARDS ON A 114'
WIDE CORNER LOT IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES A 25' MINIMUM FRONT YARD SETBACK AND A
20' SIDE STREET YARD SETBACK, WITH COMBINED SIDE
YARD OF 28' FOR A 114' WIDE CORNER LOT IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

300 LAUREL DRIVE

(Southwest corner of Laurel Drive and Cedar Drive)

APPLICANT/OWNER

HAROLD DEESE

AGENT

HAROLD DEESE

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2009

The applicant is requesting Front Yard, Side Street Yard, and Combined Side Yard Variances to allow an addition to a single-family dwelling within 22.0' of the front property line and 5' of a side street property line, with 10' of combined side yards on a 114' wide corner lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' minimum front yard setback and a 20' side street yard setback, with combined side yards of 28' for a 114' wide corner lot in an R-1, Single-Family Residential District.

The applicant recently purchased the subject property and now desires to construct an addition on the East side of the existing dwelling in-line with the front and rear walls. The dwelling predates the Zoning Ordinance and currently does not meet front, side yard, side street yard, or combined side yard setbacks. The proposed addition would further expand the nonconformity of the structure, hence this variance.

The subject site is triangular in shape with 114' of primary street frontage along Laurel Drive. At the 25' minimum building setback line the lot is approximately 85' wide and the standard side yard, side street yard, and combined side yard setbacks for lots 60' wide or wider would apply. The lot itself (actually three legal lots of record) predates the Subdivision Regulations and is approximately 6,156 square feet in size and below the minimum 7,200 square feet required by the Ordinance. With a 35% maximum site coverage allowance, 2,155 square feet of coverage would be allowed. However, by the literal application of the current setback requirements for this site, only about 1,150 square feet of coverage could be obtained, and that within a triangular-shaped area. Including the proposed addition, the dwelling would cover approximately 1,425 square feet, or about 23% of the site, well below the 35% maximum allowable. But the application of the current setback requirements would only allow a small expansion within a triangular area to the rear of the dwelling. However, since the site is a corner lot, some consideration should be given to traffic visibility and the requested 5' setback along Cedar Drive should be increased to 10'.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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 has illustrated that a hardship exists due to the shape of the property and that a literal enforcement of the Ordinance would result in further unnecessary hardship. This application should be considered for approval, but modified to a 10' side street yard setback with combined side yards of 15'.

RECOMMENDATION 5556

Date: September 14, 2009

Based upon the preceding, this application is recommended for approval, modified to a 10' side street yard setback, with combined side yards of 15', subject to the following conditions:

- 1) obtaining of all required building permits; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5556 DATE September 14, 2009

APPLICANT Harold Deese

REQUEST Front Yard, Side Street Yard, Combined Side Yard Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING


















The site is surrounded by single family residential units.

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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 residential units.

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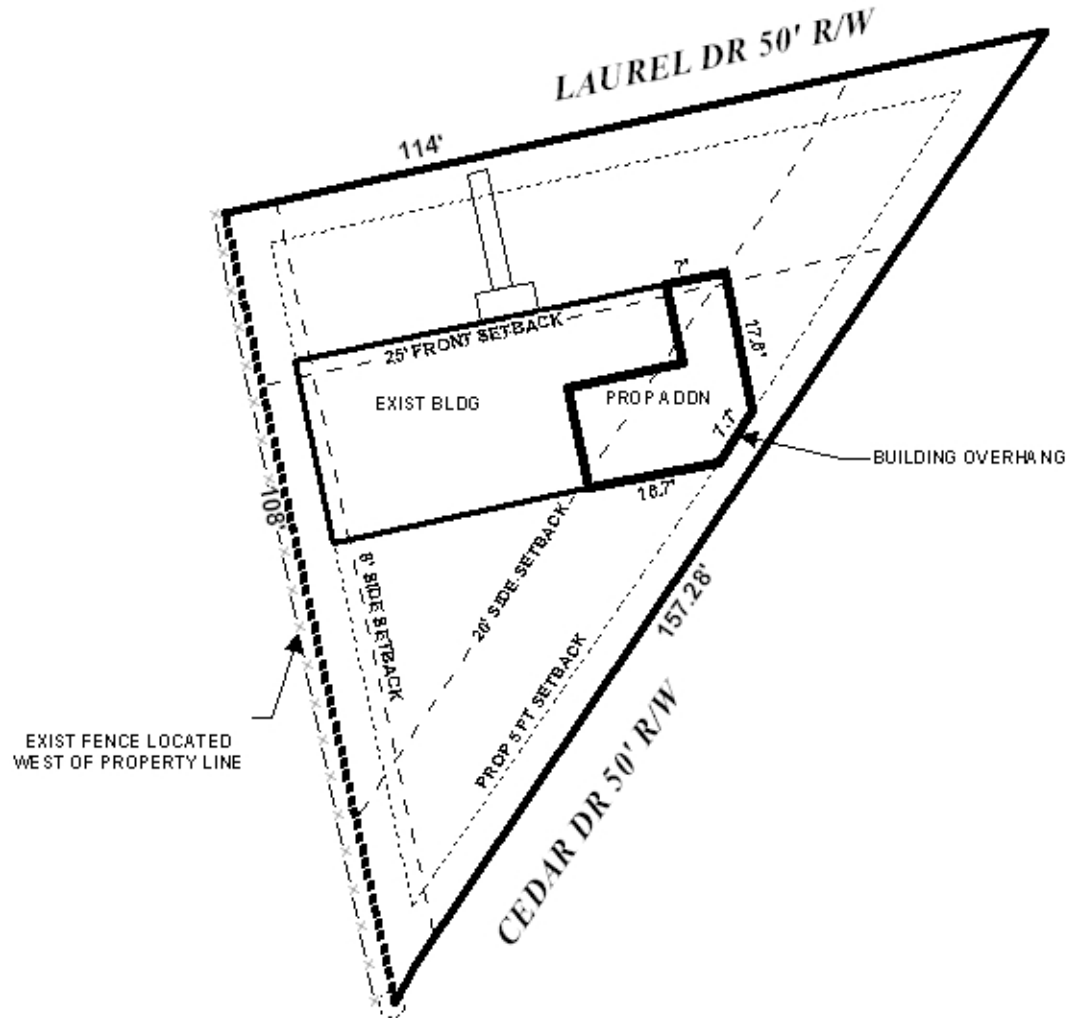
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NTS

SITE PLAN



The site plan illustrates the proposed building addition to an existing single-family residence.

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