

APPLICATION NUMBER

5568

A REQUEST FOR

**SIDE YARD, COMBINED SIDE YARD, AND REAR YARD
SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF A DETACHED TWO CAR GARAGE
1.75' FROM THE SIDE PROPERTY LINE AND 0.7' FROM
THE REAR PROPERTY LINE IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; THE ZONING
ORDINANCE REQUIRES A MINIMUM OF 8' FROM THE
SIDE AND REAR PROPERTY LINES AND A COMBINED
TOTAL OF THE SIDE YARDS TO BE 20' IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

216 KINGSWOOD COURT

(South side of Kingswood Court extending to the East side of South University
Boulevard)

APPLICANT

ROGER M. & JANICE SETZLER

BOARD OF ZONING ADJUSTMENT

OCTOBER 2009

The applicant is requesting a Side Yard, Combined Side Yard and Rear Yard Setback Variances to allow the construction of a detached two car garage 1.75' from the side property line and 0.7' from the rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of 8' from side and rear property lines and a combined total of the side yards to be 20' in a R-1, Single-Family Residential District.

The applicants wish to construct a detached two-car garage on their property. The property is currently developed with an existing dwelling. It should be noted that the existing dwelling already has a garage. The applicants did not provide any hardship justification for this request. A two-car garage would not meet setbacks, however, there does appear to be ample space to construct a one-car garage.

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.

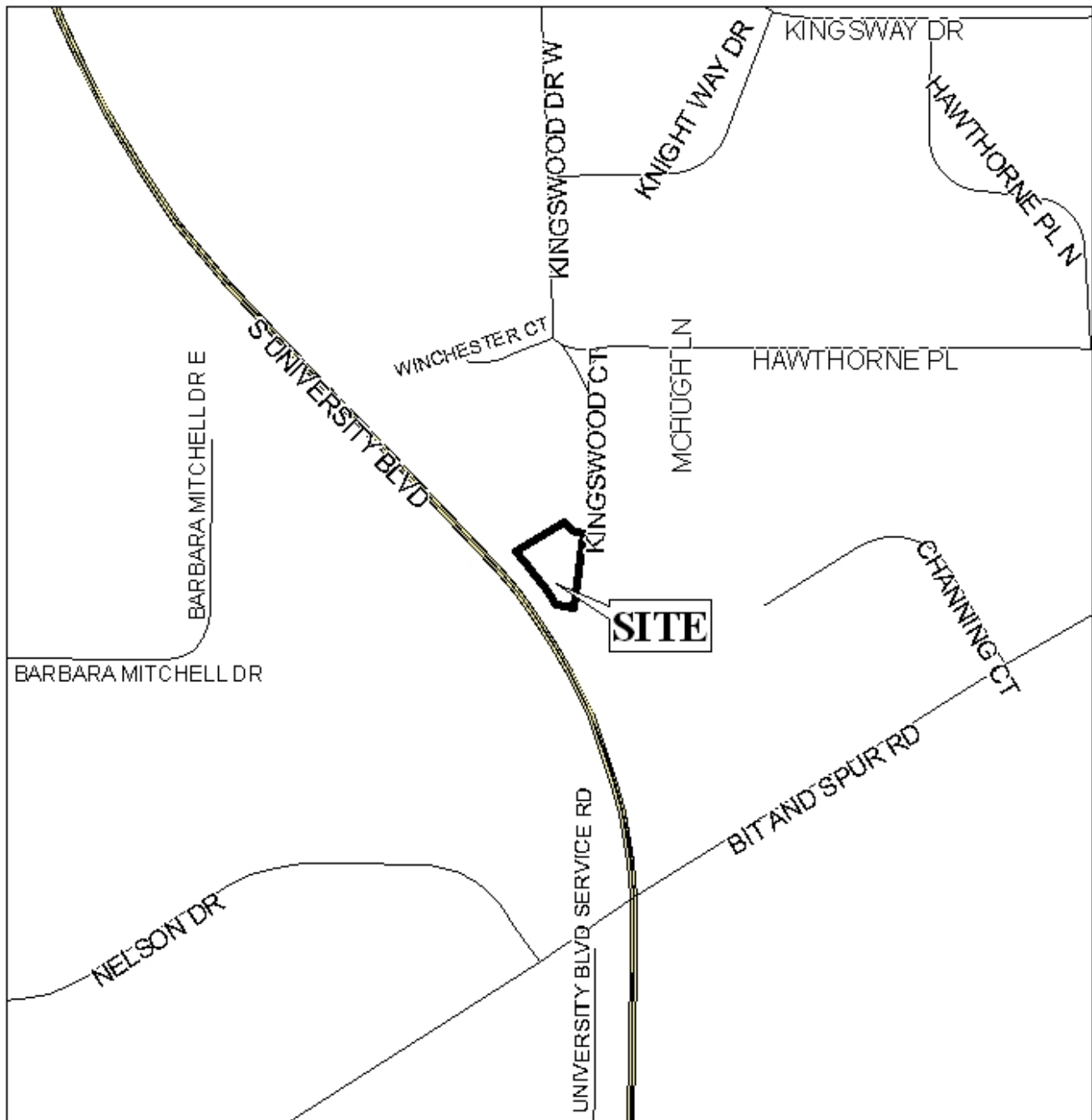
It appears from the site plan provided that there is, indeed, limited space on the property. The limited space is due to the design of the existing improvements on the property, and is thus a self-imposed hardship. It should be noted that if the applicants modified their plans to construct a one-car garage instead of a two-car garage, they could have a structure that meets the setback requirements.

The applicant did not state what, if any, hardship exists on the property or why a structure could not be built in such a manner that it complied with the zoning ordinance. It is simply the applicant's wish to have a structure that does not comply with the ordinance.

RECOMMENDATION 5568**Date: October 5, 2009**

Based on the preceding, the application is recommended for denial.

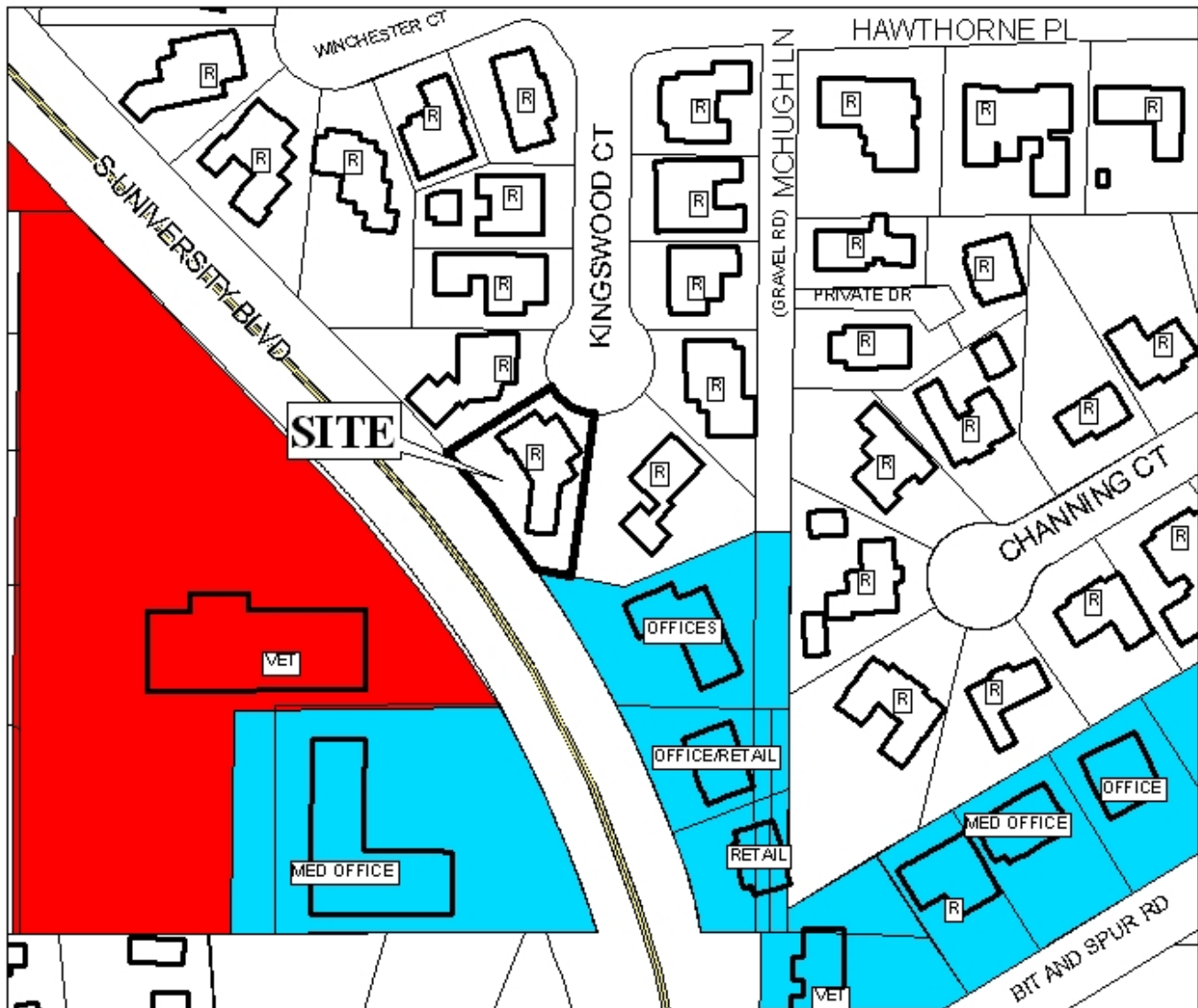
LOCATOR MAP



APPLICATION NUMBER 5568 DATE October 5, 2009
APPLICANT Roger M. & Janice Setzler
REQUEST Side Yard, Combined Side Yard, and Rear Yard Setback Variances



VICINITY MAP - EXISTING ZONING



There is a veterinarian office to the west of the site, an office to the south, and single family residential units to the north and east.

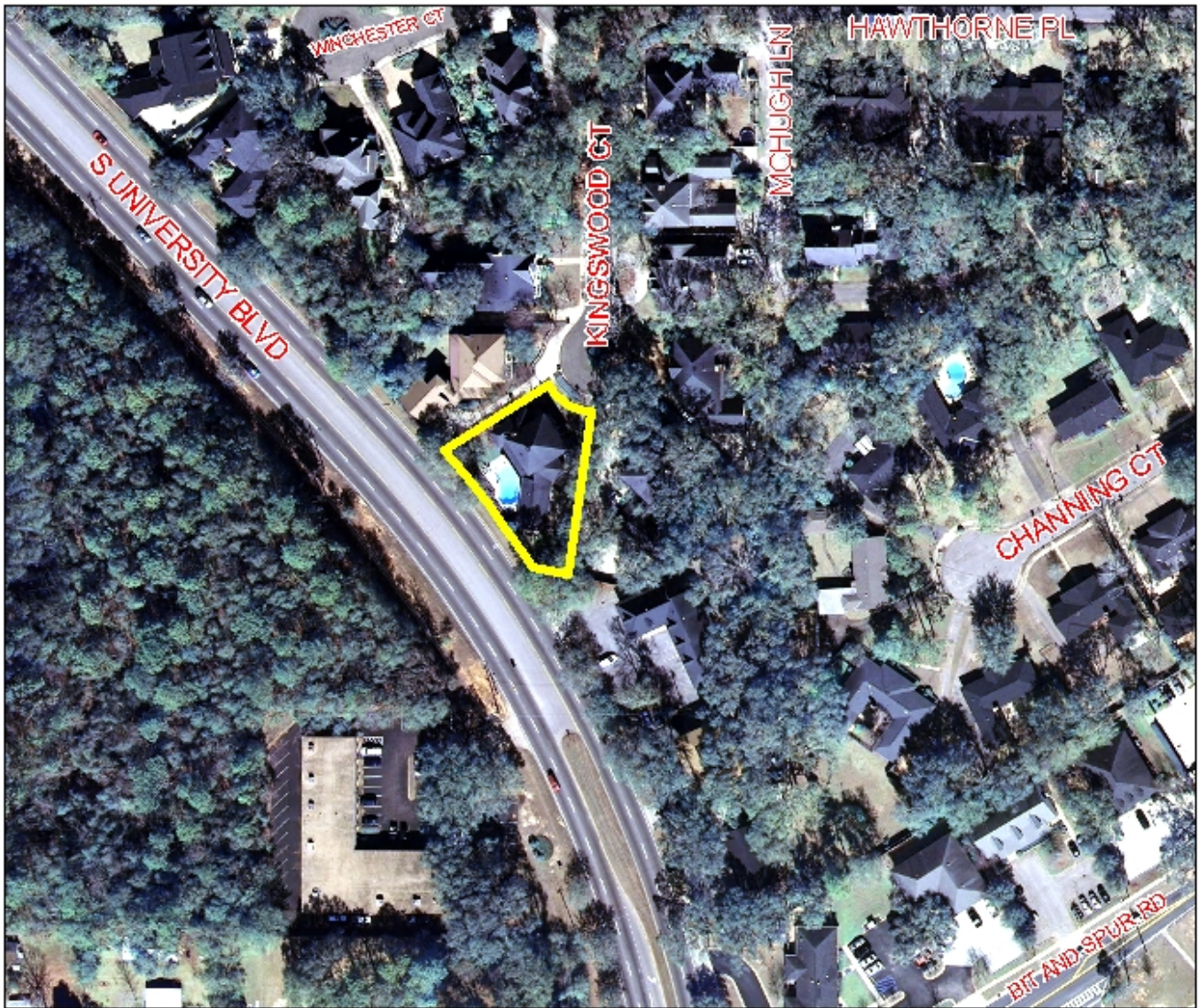
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LEGEND R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2 NTS

VICINITY MAP - EXISTING ZONING



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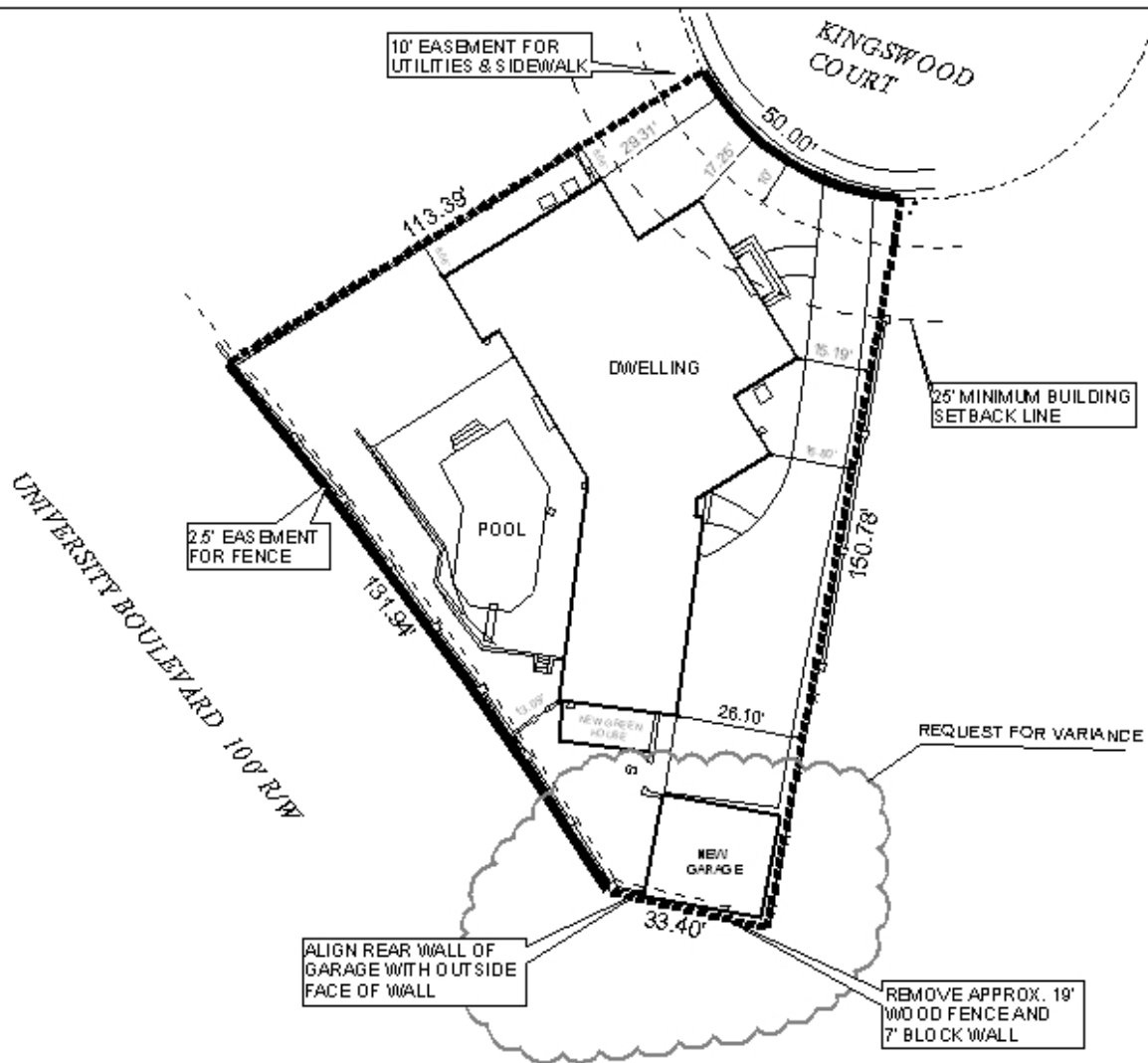
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SITE PLAN

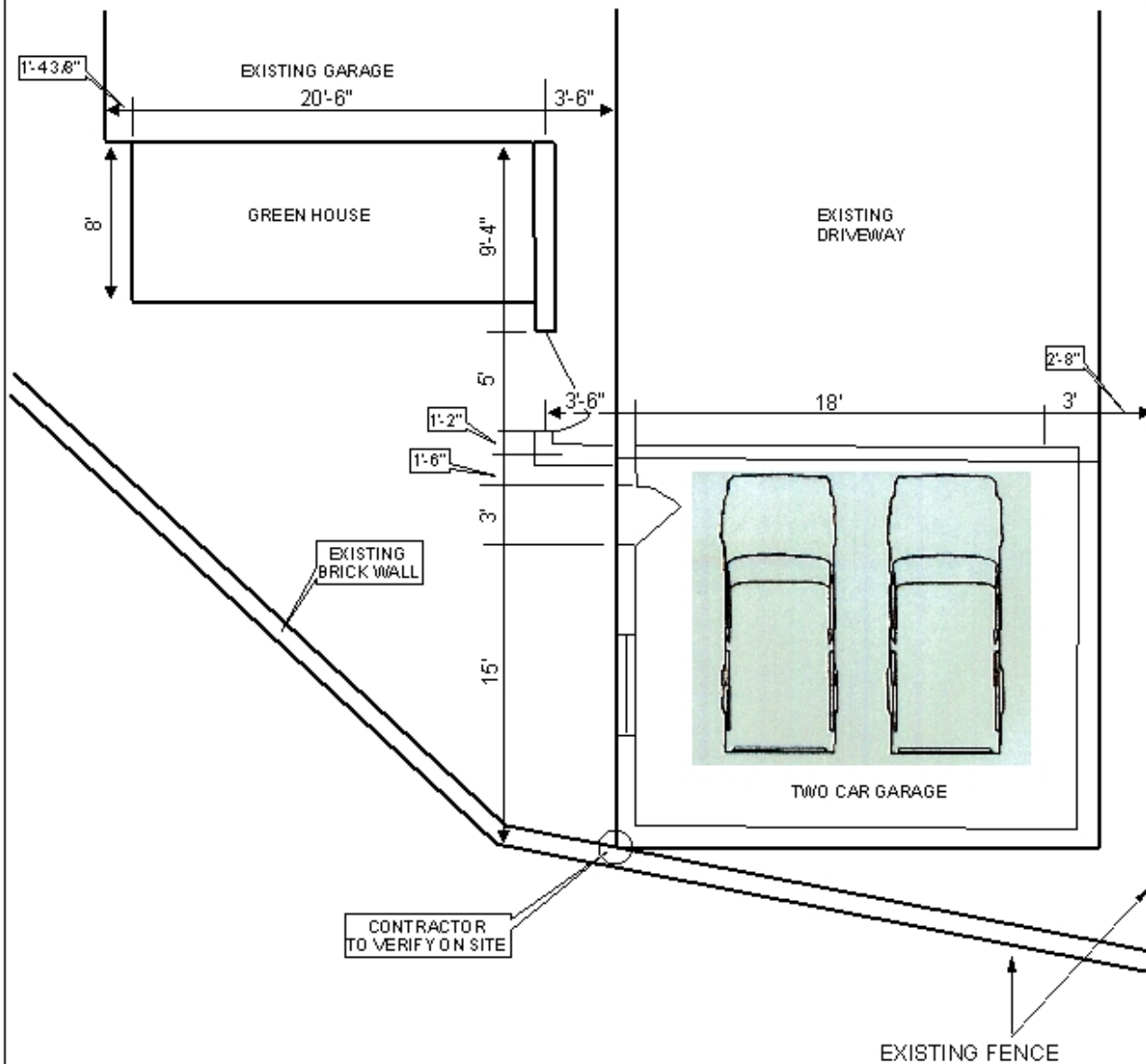


The site plan illustrates the proposed additions, setbacks, and existing structures.

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DETAIL SITE PLAN



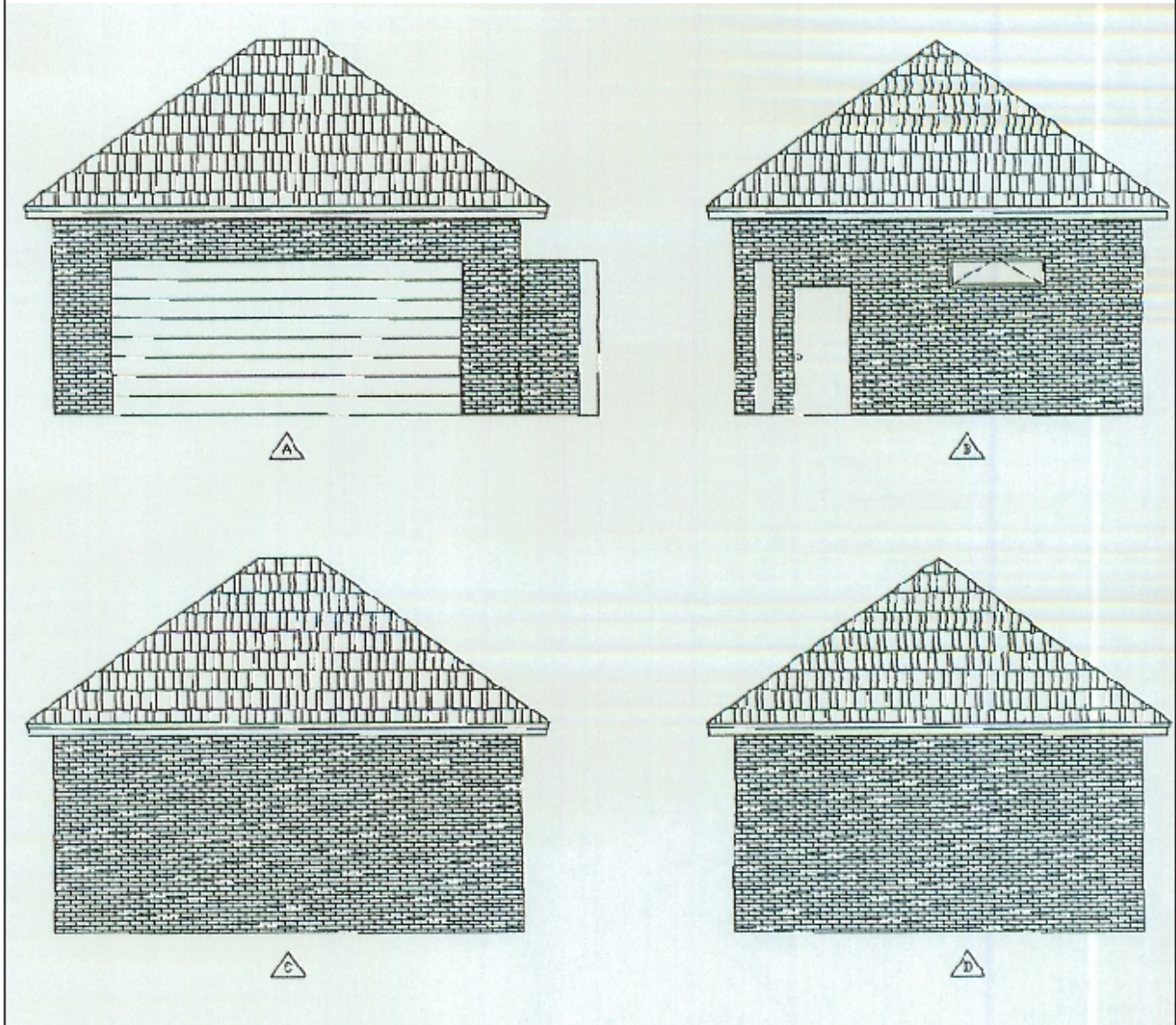
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BUILDING DETAIL



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