

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 6, 2012**

<u>CASE NUMBER</u>	5780
<u>APPLICANT NAME</u>	A. J. & Elizabeth Dupree
<u>LOCATION</u>	613 Chelsea Drive East (West side of Chelsea Drive East, 285' ± North of Chelsea Drive South)
<u>VARIANCE REQUEST</u>	SETBACK: Rear and Side Yard Setback Variances to allow a carport within 6-feet of the rear property line and 6-feet of the side property line in an R-1, Single Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACK: Zoning Ordinance requires an 8' rear yard setback and an 8' side yard setback for structures in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single Family Residential
<u>AREA OF PROPERTY</u>	15127.5± Square Feet/0.35± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>URBAN FORESTRY COMMENTS</u>	No comments
<u>FIRE DEPARTMENT COMMENTS</u>	No comments
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting Rear and Side Yard Setback Variances to allow a carport within 6-feet of the rear property line and 6-feet of the side property

line in an R-1, Single Family Residential District; the Zoning Ordinance requires 8-foot rear yard setback and an 8-foot side yard setback for structures in an R-1, Single-Family Residential District.

The applicant and his family currently reside in a 1,522 square-foot single-family residence, which currently meets the setback requirements of the Ordinance; however, a 20-foot x 20-foot storage shed is located 6-feet from the rear yard property line and 0-feet on the left side property line. The applicant now wishes to demolish the existing shed and more than double the living area of the existing dwelling, with an addition to include a family room, master bedroom, bath, utility room, covered porch and two-car garage would be located 6-feet from the left side yard property line and 6-feet from the rear property line. The final footprint would cover approximately 3,718 square feet or 25% of the site, which does not exceed the maximum site coverage of 35% as allowed in the Zoning Ordinance. The proposed location of the garage would be located the same distance from the rear yard property line, but would increase the left side yard setback from 0-feet to 6-feet. The applicant states that the garage structure must be placed in this location in order to provide adequate maneuvering area for a vehicle parked in the proposed garage and the need for more play area within the rear yard for the children to play 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.

The proposed location of the addition would result in a sub-standard side and rear yard setbacks. The Zoning Ordinance requires a minimum 8-foot for both side and rear yards; however, if approved, the placement of the addition would result in the continuation of a sub-standard rear yard setback of 6-feet, but would decrease the non-conformity of the left side yard setback from 0-feet to 6-feet.

It should be noted that while the existing structure has been a non-conforming structure for several years, the Zoning Ordinance attempts to bring all non-conforming structures into compliance eventually. If this request were approved, it would allow the continuation of a structure being too close to the side and rear yard property lines. Further, the storage shed was not a habitable structure, nor did it have vehicular traffic. The proposal would be more intrusive to the neighbors. In addition, the future enclosure and conversion of the garage to habitable living area should be considered as a possibility.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The applicant wishes to remove an existing non-conforming

structure, and replace it with another non-conforming structure that is much larger. It is possible for the proposed garage to be relocated to fit all setbacks; therefore, this is a design issue not a site issue, and thus it is a self-imposed hardship.

RECOMMENDATION:

for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



APPLICATION NUMBER 5780 DATE September 10, 2012

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REQUEST Rear and Side Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.

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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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.

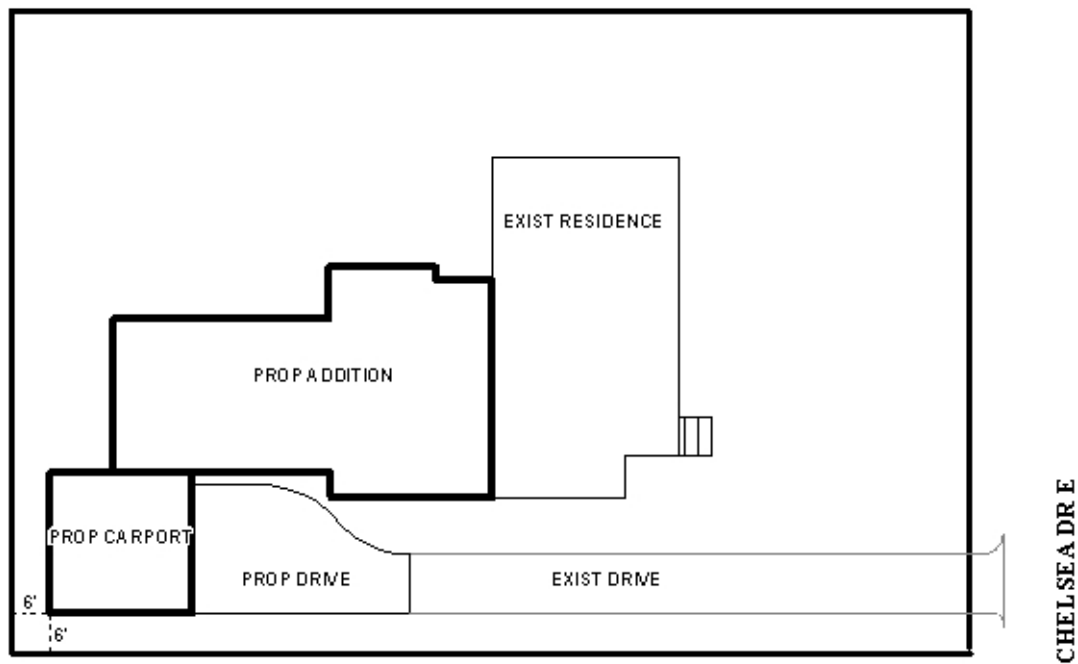
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SITE PLAN



The site plan illustrates the proposed addition, carport, setbacks, and driveway expansion.

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