

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 4, 2015**

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<b><u>CASE NUMBER</u></b>	5965
<b><u>APPLICANT NAME</u></b>	Mikell & Claire Taylor
<b><u>LOCATION</u></b>	4550 Knight Way Drive (West side of Knight Way Drive, 100'+ East of Kings Way Drive)
<b><u>VARIANCE REQUEST</u></b>	<b>BUILDING SETBACK:</b> Side Yard Setback Variance to allow the construction of a garage within 5 feet of the side yard setback in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>BUILDING SETBACK:</b> The Zoning Ordinance requires all structures to be a minimum of 8' from the side yard property line in an R-1, Single-Family Residential.
<b><u>ZONING</u></b>	R-1, Single-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	0.45±Acres
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5
<b><u>ENGINEERING COMMENTS</u></b>	If the variance is approved, the applicant will be required to receive an approved land disturbance permit prior to beginning any site work.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This request was not reviewed by Traffic Engineering.
<b><u>URBAN FORESTRY COMMENTS</u></b>	No comments received.
<b><u>ANALYSIS</u></b>	The applicant is requesting a variance to allow a 5 foot side yard setback for the construction of a detached, two-car carport in an R-1, Single Family District. The Zoning Ordinance requires a minimum setback of 8 feet from the property line for side yard setbacks.

The Zoning Ordinance further 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.

Variations 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 states the following regarding the variance requests:

*This application is for a 3'-0" side yard setback variance to construct a freestanding two-car carport at the end of an existing concrete driveway in the rear yard behind the existing two story residence. The side yard setback for freestanding outbuildings is 8'-0." This application is a request to build the carport within 5'-0" of the side yard property line, thus 3'-0" closer than the allowable setback. There is an existing brick wall along this side property line which is a minimum of 8'-0" in height. The carport is to be sited 8'-0" from the rear property line as per the allowable setback.*

*This request is made to save an existing 36" diameter heritage live oak at the end of the existing concrete driveway. The location of the 36" live oak would make it difficult to access both bays of the proposed carport if the carport is constructed 8'-0" from the property line. By shifting the carport 3'-0", to within 5'-0" of the property line, the carport ends up centered on the 36" live oak tree and the driveway extension can split to either side of the tree.*

*The carport will have decorative wood columns to match those proposed for the existing front and new rear porches of the existing residence. The eave height of the carport will be 9'-0" and the ridge height will be 14'-0". The carport will have a 4:12 sloped roof to match that of the existing residence.*

As stated, the applicants wish to construct a new, two-car carport in the rear of their residence. Due to the applicants desire to preserve a 36" live oak tree, they are requesting that the freestanding carport be built 5'-0" from the side yard property line in lieu of the minimum 8'-0" distance required by the Zoning Ordinance. In addition to preserving the live oak tree, the applicants also stated that the 5'-0" side yard setback will provide unobstructed access to the two bays of the proposed carport. Upon reviewing the site, it appears that there is an existing two-car carport attached to the residence. The applicants have indicated that there will be alterations made to the existing carport, but have not made any mention of its intended future use. It does appear, however, that there are plans to expand the footprint of the house and make extensive internal changes. Information is needed regarding the future use of the existing carport.

In reviewing the applicant's request for variance as submitted, there does not appear to be any special conditions which exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship.

The presence of two large live oaks in the driveway area do, perhaps, present a hardship regarding the extension of the driveway and the construction of a carport. Adding additional paving and a structure around the existing tree, as proposed, will not ensure the longevity of the tree due to possible impacts to the root system.

**RECOMMENDATION:**

Based on the preceding, Staff recommends Holdover to the June 8<sup>th</sup> meeting, with revisions submitted by May 15<sup>th</sup>, so the following can be addressed:

- 1) Additional information regarding the use of the existing carport; and
- 2) Additional Information supporting that there is no other viable location in the rear yard.

# LOCATOR MAP



APPLICATION NUMBER 5965 DATE May 4, 2015

APPLICANT Mikell & Claire Taylor

REQUEST Side Yard Setback Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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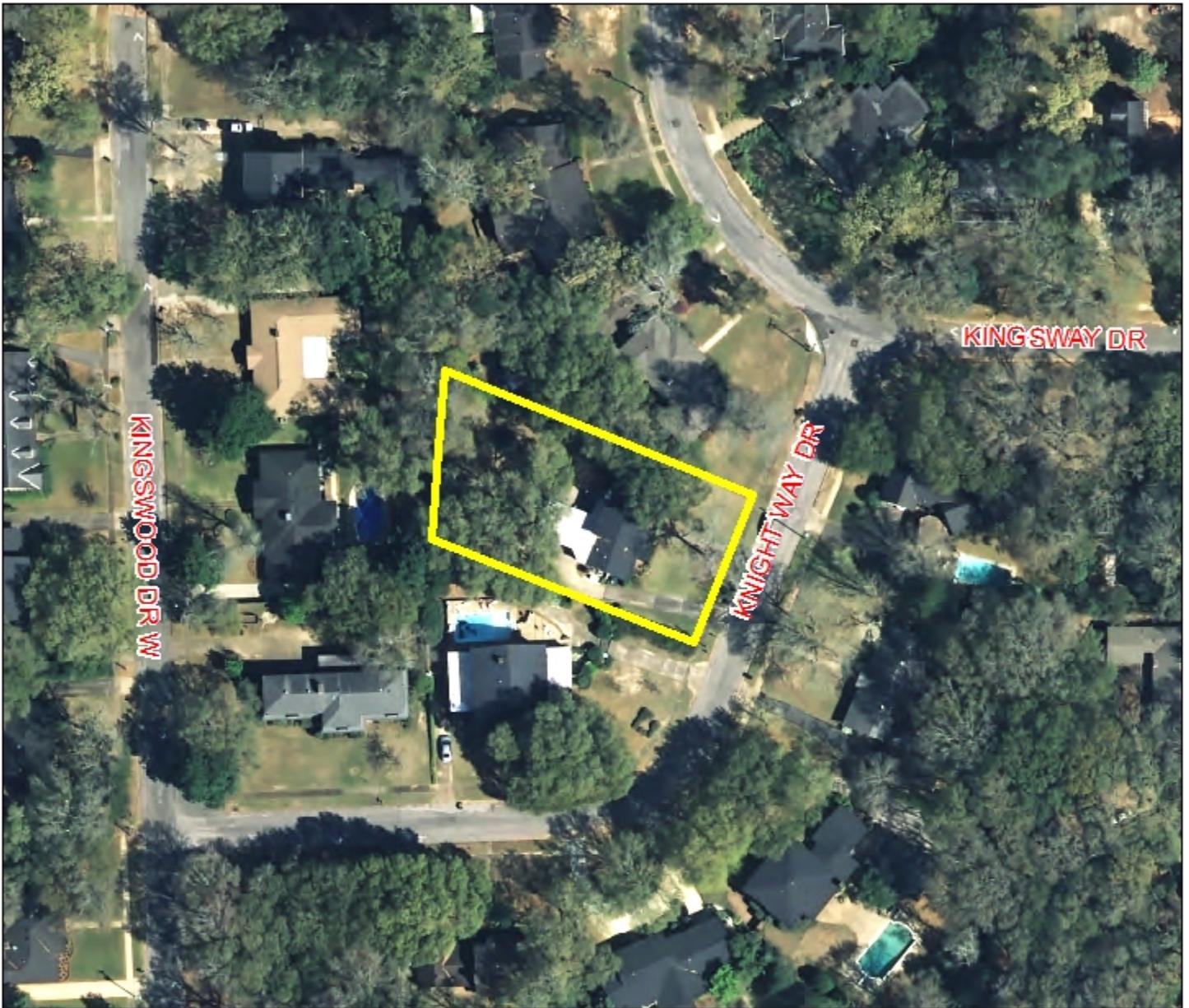
REQUEST Side Yard Setback Variance

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



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VICINITY MAP - EXISTING ZONING**



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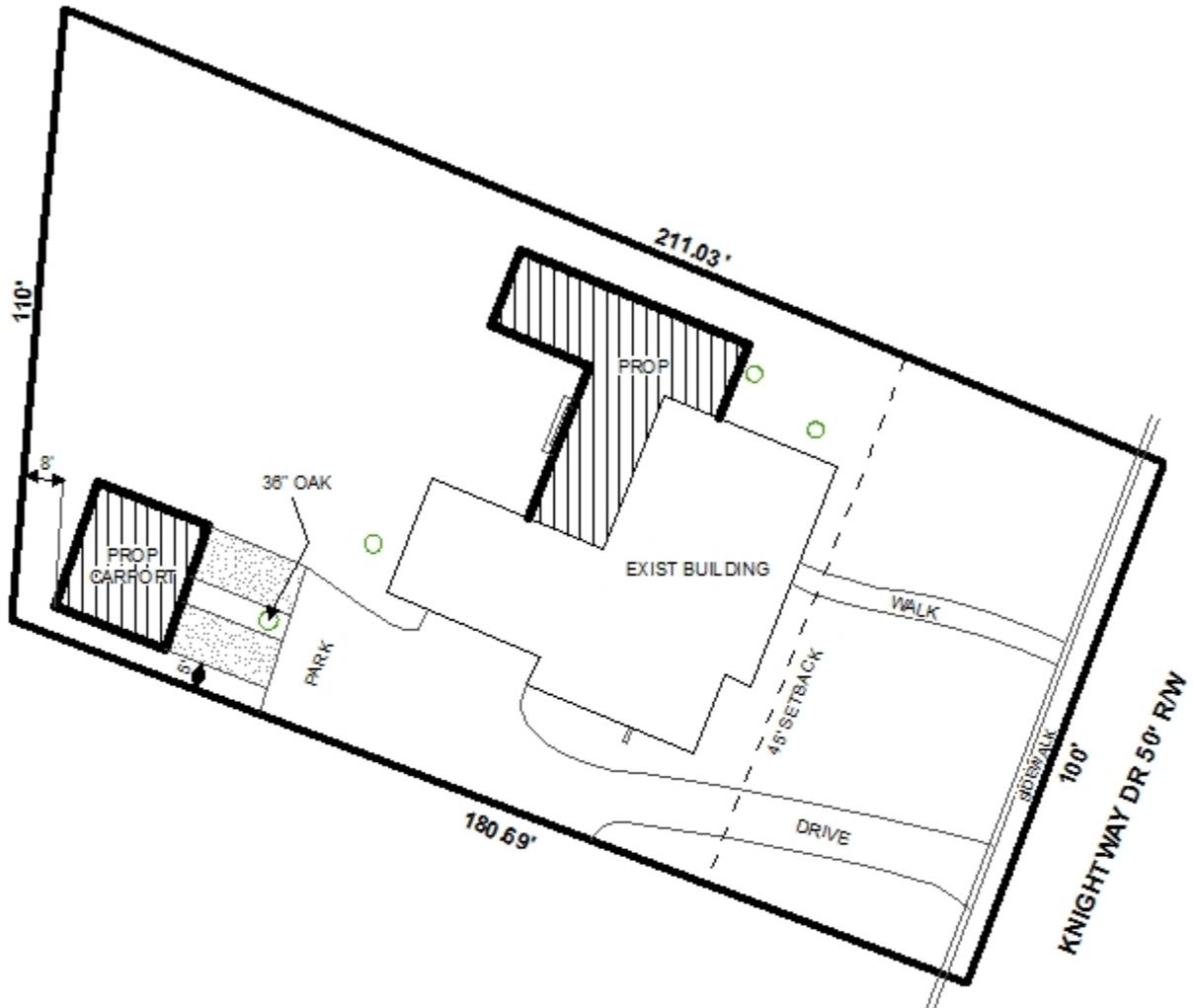
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# SITE PLAN



The site plan illustrates the existing building, proposed carport, setback, and trees.

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