

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 2, 2012**

<b><u>CASE NUMBER</u></b>	5741
<b><u>APPLICANT NAME</u></b>	Gaylord C. Lyon, III
<b><u>LOCATION</u></b>	3771 Amruth Drive (South side of Amruth Drive, 255'± East of Fenwick Road)
<b><u>VARIANCE REQUEST</u></b>	<b>SETBACK:</b> Side Yard Setback Variance to allow the construction of an addition within 5' of a side property line (with a combined side yard of 17 feet) in an R-1, Single Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SETBACK:</b> Zoning Ordinance requires a minimum side yard setback of 8' (with the sum of both side yards totaling 20') in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single Family Residential
<b><u>AREA OF PROPERTY</u></b>	0.5 ± Acres
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5

**ANALYSIS** The applicant is requesting a Side Yard Setback Variance to allow the construction of an addition within 5' of a side property line (with a combined side yard of 17 feet) in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8' (with the sum of both side yards totaling 20') in an R-1, Single-Family Residential District.

The applicant proposes to enclose the existing carport, and build a new 660 square foot carport to the rear of the house that would be connected to the existing residence by a breezeway. The carport is proposed to be located at the end of the existing driveway with a slight expansion, thereby minimizing the amount of impervious area added to the site. The applicant states that the carport's roof overhang would come no closer to the side property line than 3 feet, and gutters will be provided in order to prevent storm water from going onto the neighboring property.

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.

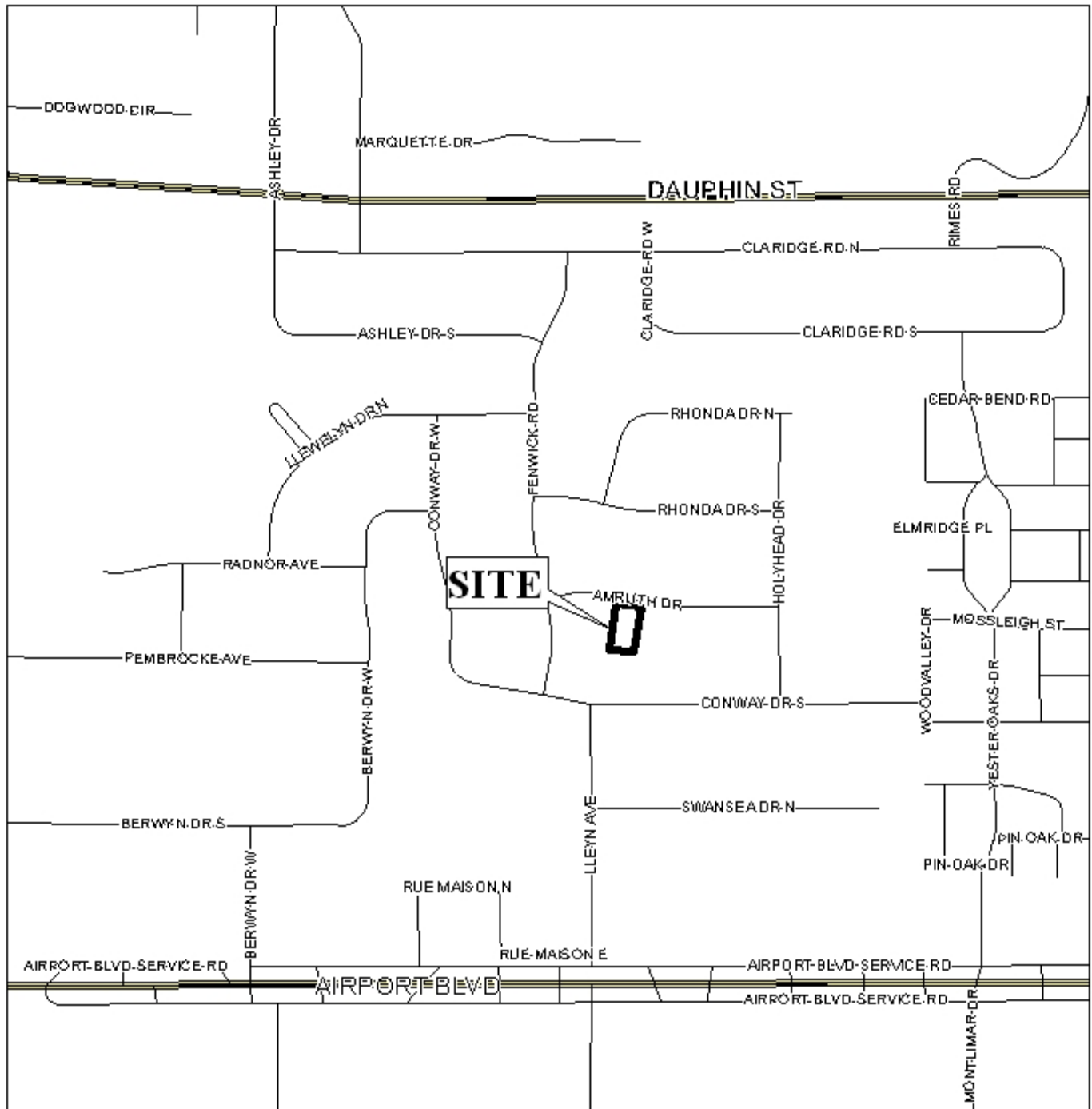
The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The site has ample room for the carport addition to be placed in compliance with the required 8' side yard setback. It is simply the applicant's desire to allow a carport to within 5' of a side property line resulting in a combined side yard setback of 17'.

**RECOMMENDATION:**

Based on the preceding, this application is recommended

for denial.

# LOCATOR MAP



APPLICATION NUMBER 5741 DATE April 2, 2012  
APPLICANT Gaylord C. Lyon, III  
REQUEST Side Yard Setback Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING


















The site is surrounded by single-family residences.

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APPLICANT Gaylord C. Lyon, III

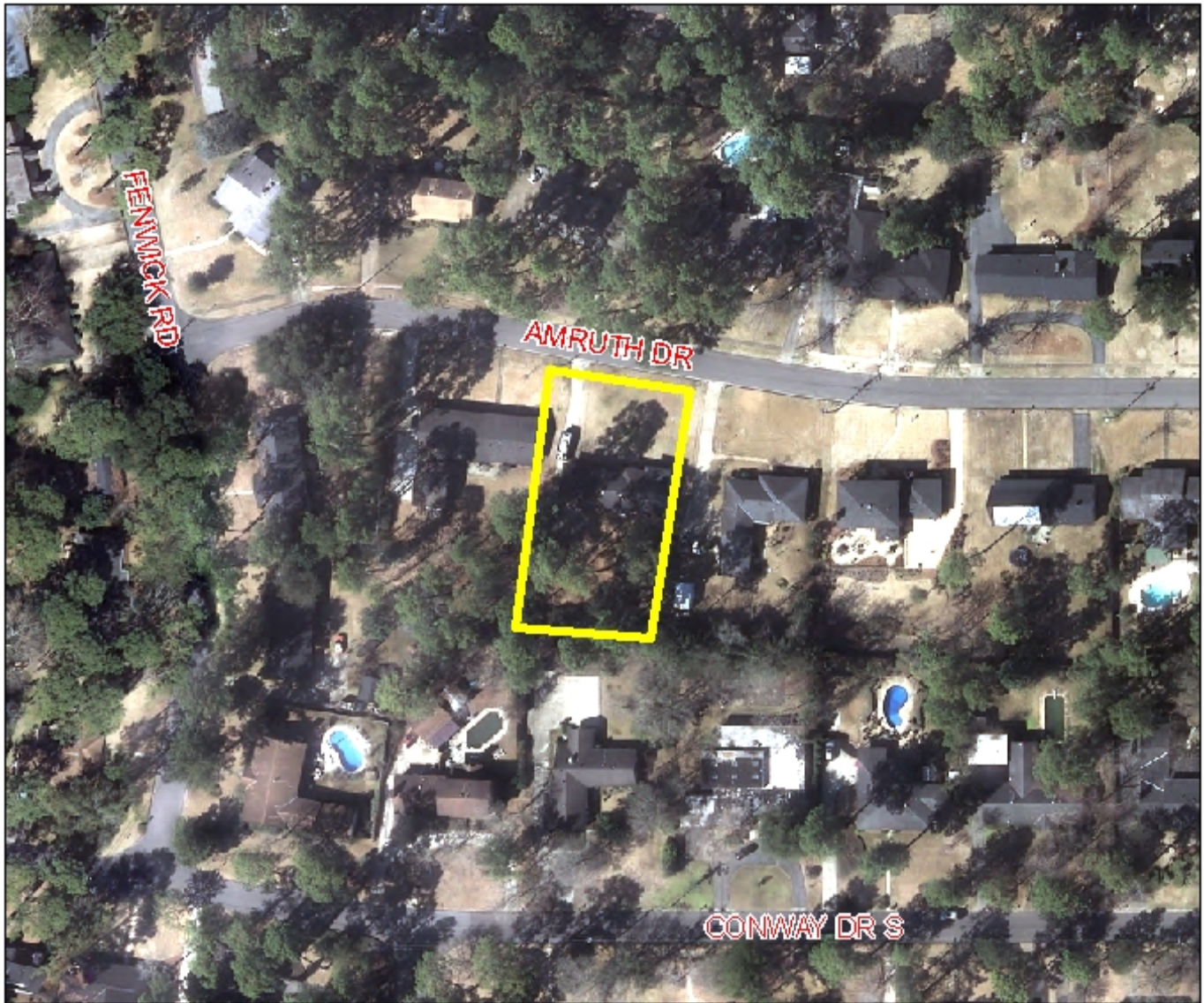
REQUEST Side Yard Setback Variance

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

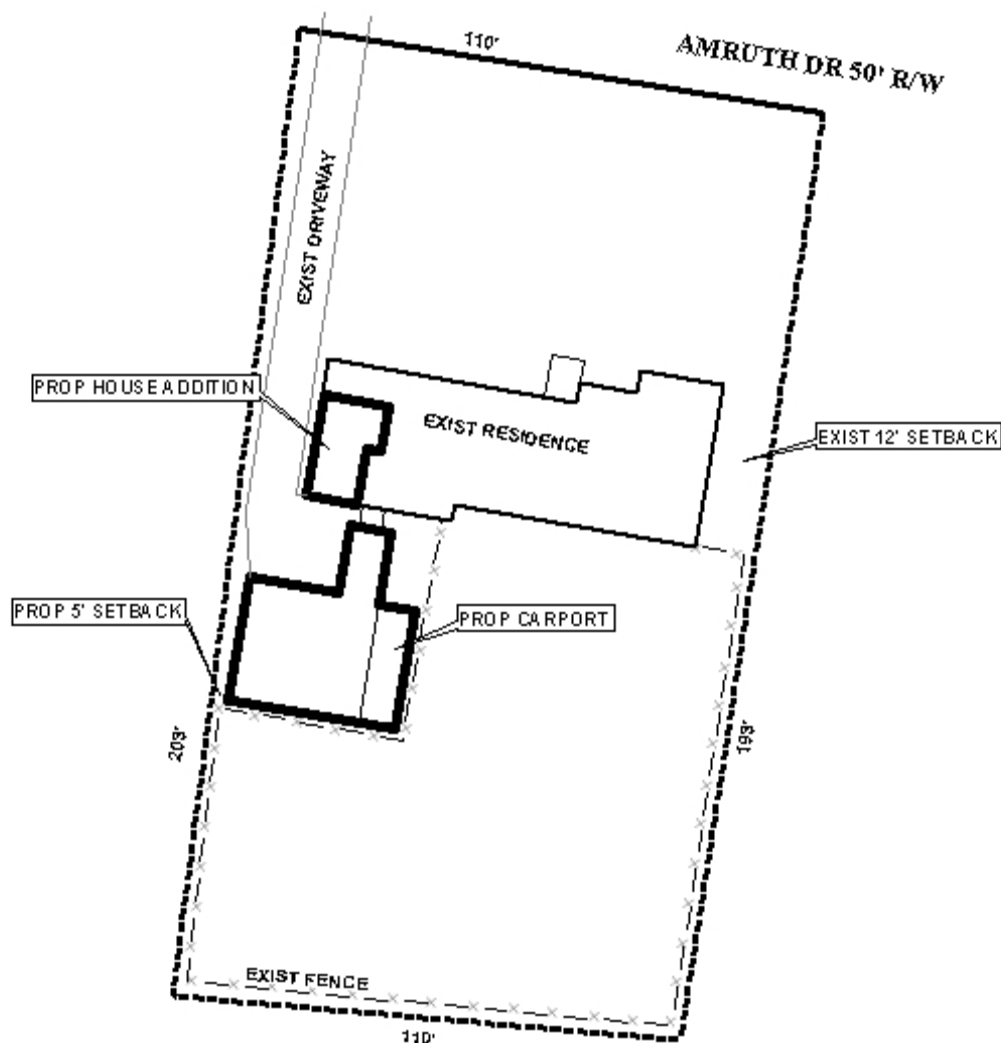


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# SITE PLAN



The site plan illustrates the proposed carport and residential addition.

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