

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 4, 2012****CASE NUMBER**

5755

APPLICANT NAME

Sandys Miller Stimpson

LOCATION

14 Japonica Avenue
(West side of Japonica Avenue, 374'± South of Dauphin Street)

VARIANCE REQUEST

SETBACK: Side Yard Setback and Combined Side Yard Variances to allow an addition to an existing dwelling within 10'-8" of a side property line with combined side yards of 18'-8" on a 97.5' wide lot in an R-1, Single Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

SETBACK: Zoning Ordinance requires a 12' side yard setback with combined side yards of 20' on a 97.5' wide lot in an R-1, Single-Family Residential District.

ZONING

R-1, Single Family Residential

AREA OF PROPERTY

0.26 ± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting Side Yard Setback and Combined Side Yard Variances to allow an addition to an existing dwelling within 10'-8" of a side property line with combined side yards of 18'-8" on a 97.5' wide lot in an R-1, Single Family Residential District; the Zoning Ordinance requires a 12' side yard setback with combined side yards of 20' on a 97.5' wide lot in an R-1, Single-Family Residential District.

The applicant proposes to build a 596 square foot addition to the South side of an existing residence. This will allow the house to expand from a 2-bedroom, 2-bathroom home into a 3-bedroom, 2 ½-bathroom home.

According to the site plan submitted by the applicant, the proposed addition will bring the total site coverage to 34%. However, it should be noted that there is a 152 square foot outdoor seating

area that has an arbor-style roof in the back yard which is illustrated, but not labeled on the site plan. There appear to be no building permits that have been obtained for the structure which is approximately 6' off of the rear property line, instead of the minimum 8'. With this structure included in the site coverage calculations, the proposed addition would result in 35.3% total site coverage, which is slightly above the maximum allowed site coverage of 35% for an R-1, Single-Family Residential District.

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.

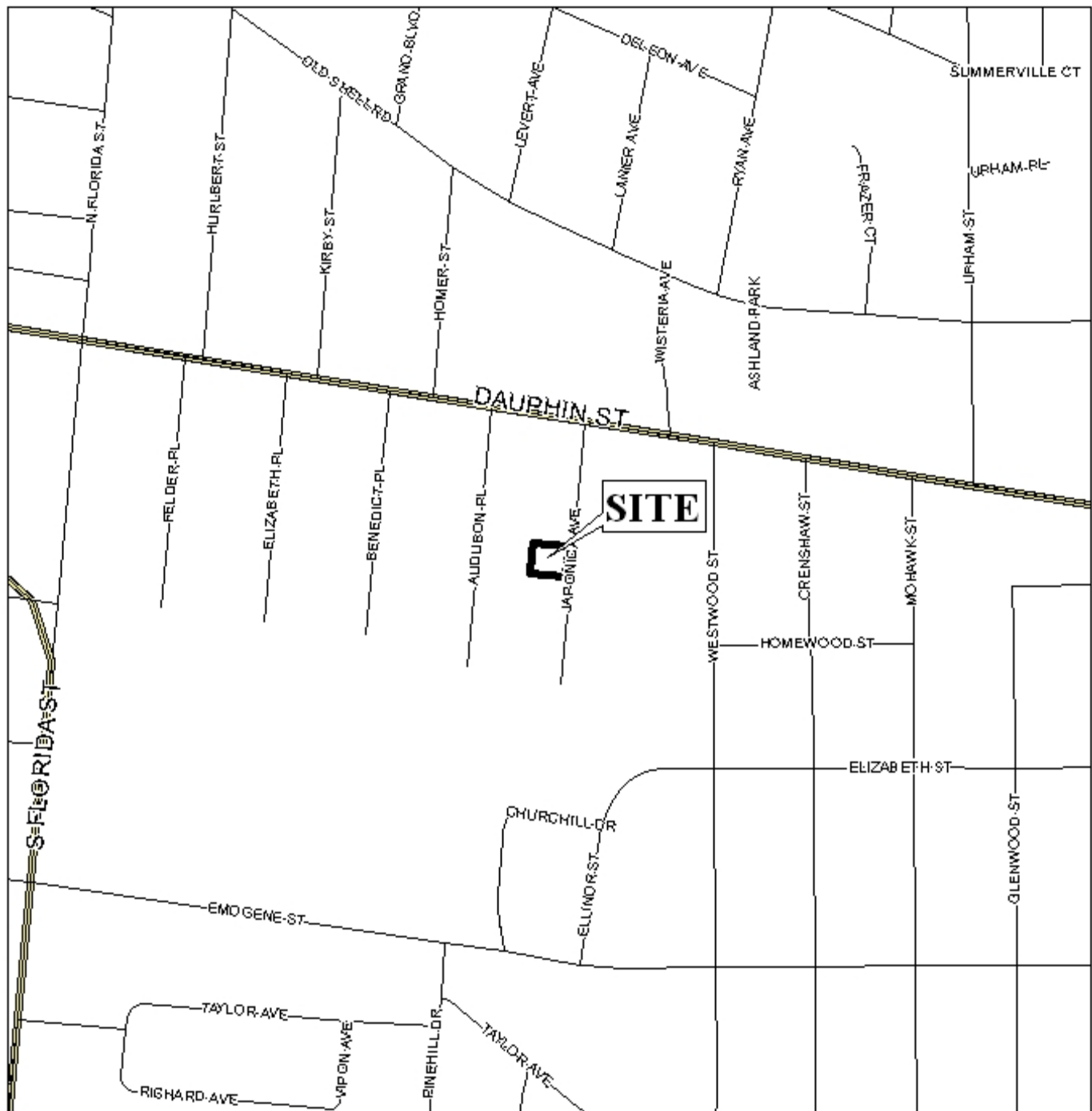
The applicant has not given any reasoning why the proposed addition should be located within the required side yard setback which would also result in a reduced combined side yard. The back yard has ample room for the addition if it was reconfigured slightly, and would also meet all setback requirements. Due to the existing and resulting site coverage of the addition, a decrease in size of either the existing sitting area in the back yard or the proposed addition by 42 square feet would bring the site to its maximum of 35% site coverage.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The proposed addition could be reconfigured slightly to extend into the backyard and meet all setbacks and combined side yard requirements, illustrating a self-imposed hardship.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP

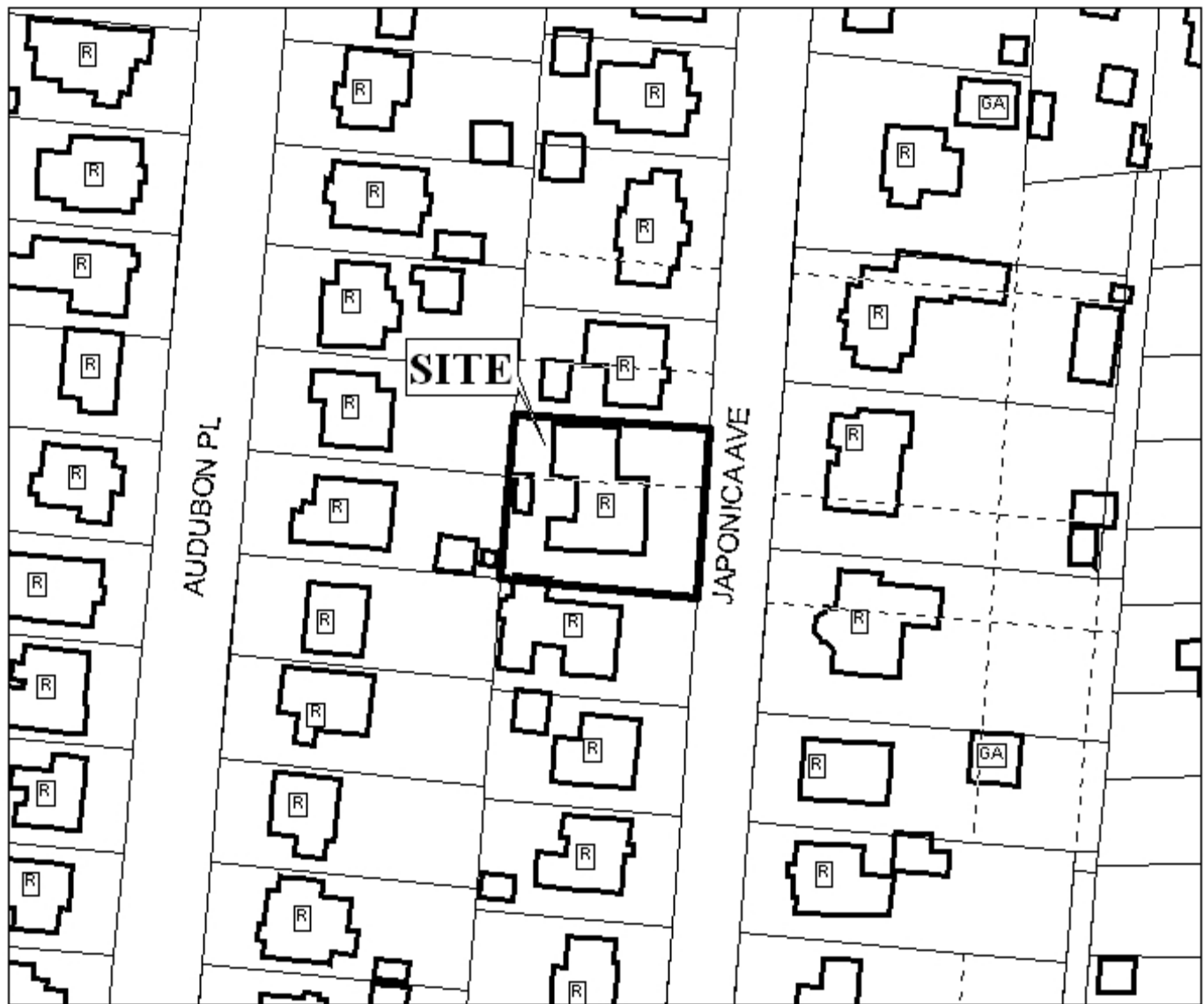


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REQUEST Side Yard Setback and Combined Side Yard Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING


















The site is surrounded by single-family residential units.

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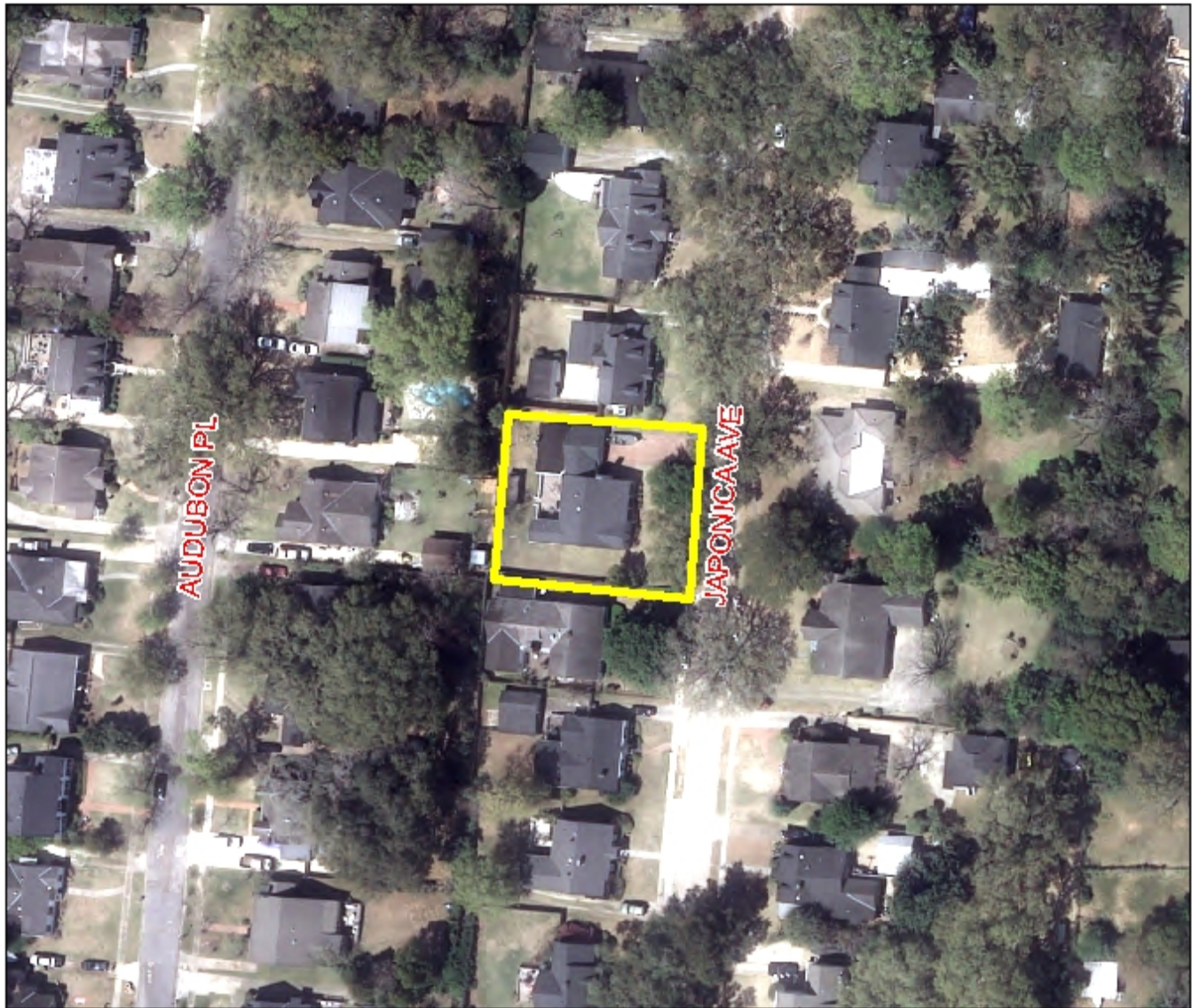
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LEGEND

															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

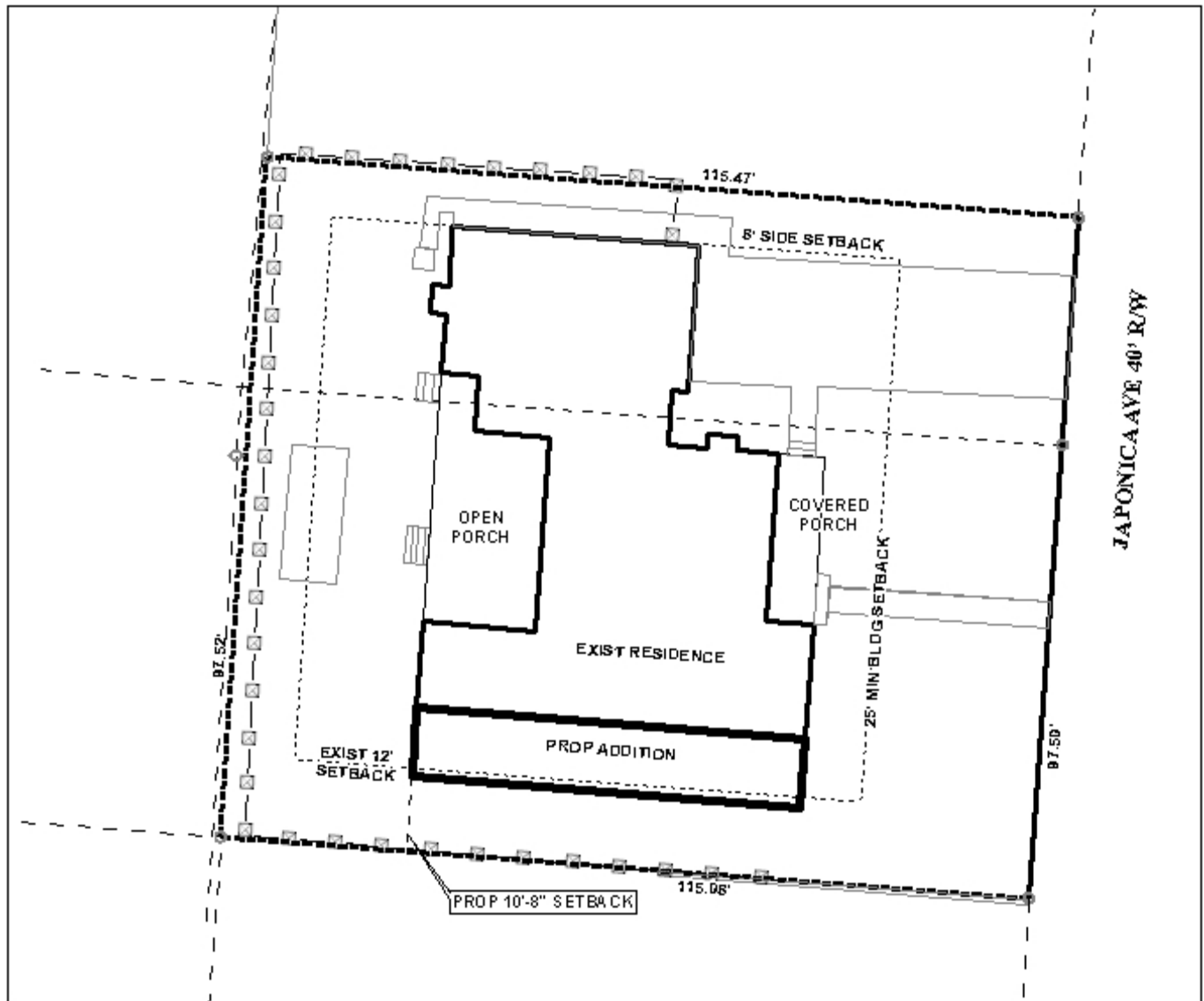


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SITE PLAN



The site plan illustrates the proposed addition to the existing residence.

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