

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 3, 2013****CASE NUMBER**

5838

APPLICANT NAME

Dr. Ken Jordan

LOCATION6401 Brindlewood Court
(Eastern terminus of Brindlewood Court, 735 ± East of
Brindlewood Drive)**VARIANCE REQUEST****SETBACK:** Rear Yard Setback Variance to allow a garage within 6' of the rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 8' rear yard setback.**ZONING ORDINANCE
REQUIREMENT****SETBACK:** 8' minimum building setback from the rear property line in an R-1, Single-Family Residential District.**ZONING**

R-1, Single Family Residential

AREA OF PROPERTY

15,600 square feet/0.35 ± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comment

**CITY COUNCIL
DISTRICT**

District 6

ANALYSIS

The applicant is requesting a Rear Yard Setback Variance to allow a 28' x 26' double car garage within 6' of the rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' minimum building setback from the rear property line in an R-1, Single-Family Residential District.

The applicant is requesting the opportunity to convert an existing double carport into a family room, and to add a double car garage, in line with the rear of their home. The rear of the garage addition would fall 6' from the rear yard property line. The applicant does not justify a sufficient hardship nor do they provide any valid justification for the granting of the variance. There appears to be alternative measures that can be taken to allow the construction of the double car garage while complying with the ordinance and minimum setbacks requirements.

Furthermore, the original plat (Willow Brook Addition) was recorded in November of 1977 illustrates a 7.5' wide utility and drainage easement along the rear portion of the plat, which is not illustrated on the submitted site plan. Thus, the proposed addition will encroach onto the 7.5' utility and drainage easement.

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 also proposes to reconstruct their 6' high wood privacy fence as an 8' high wood privacy fence. The proper procedure regarding a submittal of a building permit will be required.

Lastly, it should be noted that the applicant has failed to apply for a permit and is currently in violation of side yard setback requirements for an existing playhouse/ storage shed. The playhouse/ storage shed is located at the southern portion of the property and must comply with setback requirements of the zoning ordinance. Therefore, the playhouse/ storage shed should be removed or moved to comply with the setbacks of zoning ordinance and permitted.

RECOMMENDATION: Based on the preceding, this application is recommended for denial for the following reasons:

- 1) the applicant has a self-imposed hardship and has failed to illustrate that there are any unusual characteristics of the property or special conditions that exist which would prevent compliance with the requirements of the Zoning Ordinance;
- 2) the applicant has adequate room on the site to comply with minimum rear yard setback; and
- 3) the proposed addition would encroach onto an existing 7.5' utility and drainage easement.

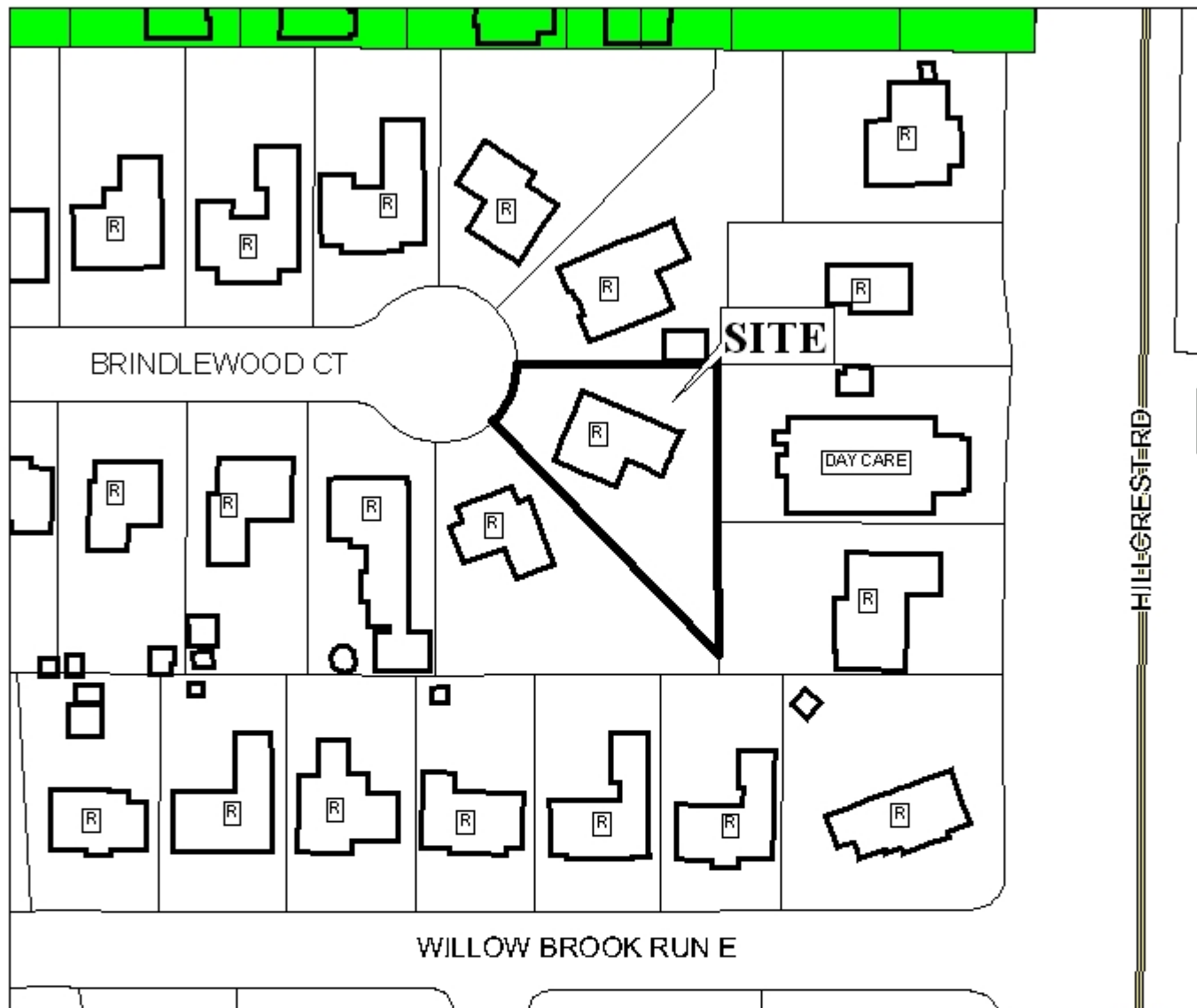
LOCATOR MAP



APPLICATION NUMBER 5838 DATE June 3, 2013
APPLICANT Dr. Ken Jordan (M. Don Williams, Agent)
REQUEST Rear Yard Setback Variance


















BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.
A daycare is located to the east of the site.

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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

N

 NTS

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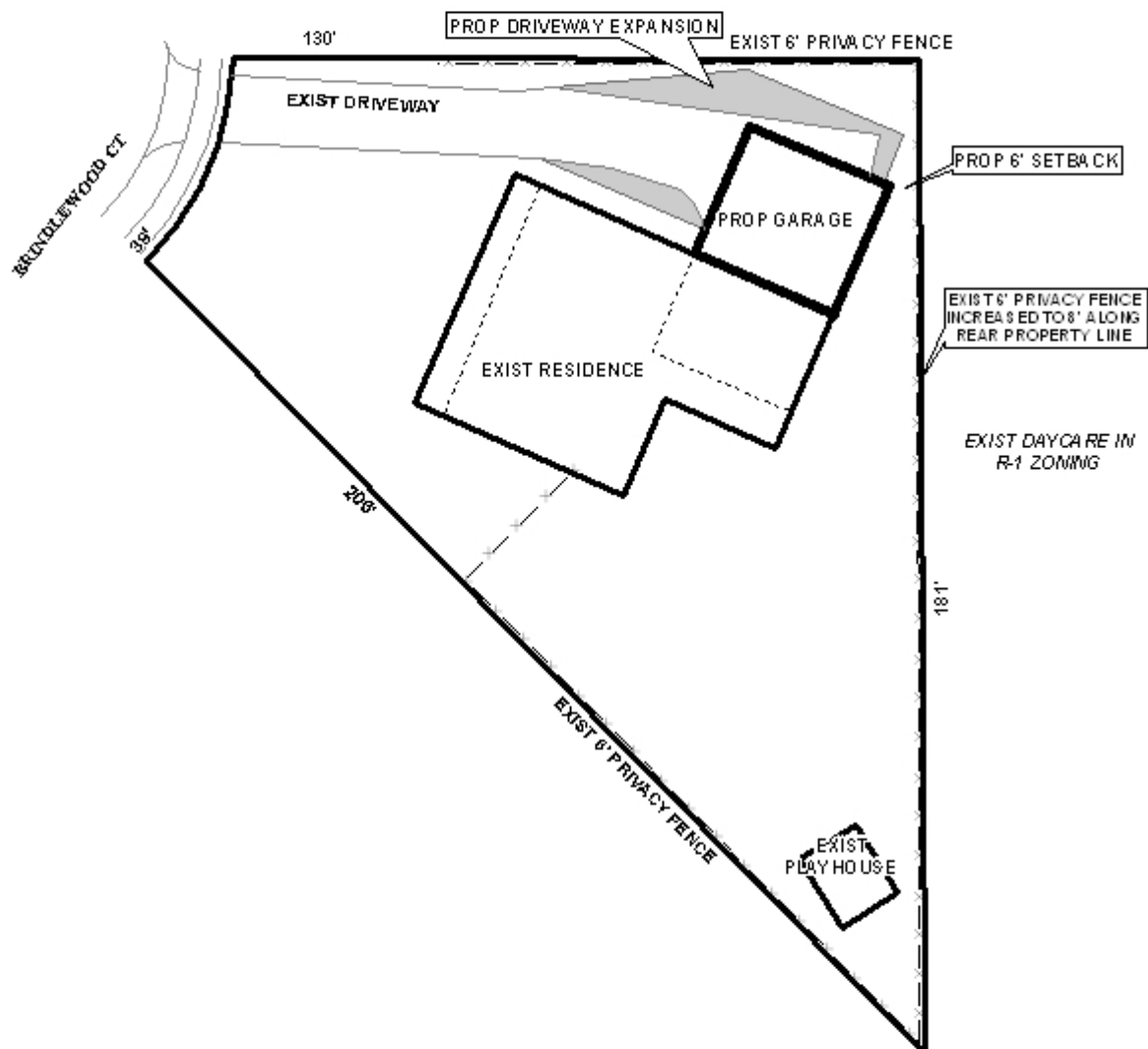


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N
NTS

SITE PLAN



The site plan illustrates the proposed garage and setback.

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