

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 2, 2015**

<u>CASE NUMBER</u>	5954
<u>APPLICANT NAME</u>	Howard Stallworth
<u>LOCATION</u>	2623 Pollard Lane (Southeast corner of Pollard Lane and Oliver Street)
<u>VARIANCE REQUEST</u>	SIDE STREET YARD SETBACK: To allow an addition within 2.3' of side street side yard property line in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIDE STREET YARD SETBACK: The Zoning Ordinance requires a 20' side street side yard setback in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.12± acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>URBAN FORESTRY COMMENTS</u>	Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>ANALYSIS</u>	The applicant is requesting a Side Street Yard Setback Variance to allow an addition within 2.3' of side street side yard property line in an R-1, Single-Family Residential District. The Zoning Ordinance requires a 20' side street side yard setback in 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.

Applicant's statement: *The proposed addition will provide a handicap accessible bathroom right off of my 85 year old mother's bedroom. At this time she is having to exit her bedroom come thru the kitchen pass thru the den go thru another bedroom or thru the living room into the hallway then into the bathroom room. This would be much more convenient for everyone if one was closer.*

As outlined in the diagram provided this addition would only be squaring the rear of my house. The addition is 8' x 8'. The addition is going to be within the 6 ft privacy fencing already up at my property and I can think of no negative affect to my neighbors' properties.

It appears that the southwestern corner of the existing dwelling unit was constructed within 6'± of the side street property line along Oliver Street, at least 20 years ago, per City GIS aerial photographs. An 8' x 8' bathroom addition is now desired on the rear of one of the bedrooms currently used by the applicant's 85 year old mother, and would actually be about 1.8' (as determined by Staff) from the property line due to the orientation of the home on the lot. There does appear to be sufficient room along the eastern portion of the lot that is exclusive of setbacks and suitable for any proposed expansion but the existing interior layout of the home would appear to present challenges and unnecessary hardship should the applicant be required to build the addition on eastern side of the property. Due to the existing hardships presented in the applicant's statement as a result of the home's interior layout, the approval of this request would appear to provide substantial justice to the applicant and the spirit of the chapter will be observed as the applicant will obtain the proper building-related permits, prior to construction.

One of the intents of the Side Street Yard Setback is to provide adequate visibility for ingress/egress of adjacent property owners and passerby. It should be pointed out that the nearest adjacent property owner's driveway is a distance greater than 150' from the location the addition is proposed. Also, as this site is a corner lot, the proposed bathroom would be nearly 100' away from the intersection of Pollard Lane and Oliver Street, which would not appear to interfere with visibility at the intersection.

Further, there is currently a 6' high wooden privacy fence that has existed along the side street property line for a number of years, although it appears to be within the right-of-way of Oliver Street. As such, the addition would not appear to cause any visibility issues for neighbors nor be contrary to the public's interest as the adjacent property owner's driveway along the same side of the street is a distance greater than 150' from where the addition is proposed.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest since the proposed addition would not appear to cause any visibility issues for adjacent property owners and passerby;
- 2) Special conditions appear to exist due to the orientation of the home on the lot, the fact that it is a corner lot, and the dwelling unit's interior layout, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the applicant will obtain the proper building-related permits and the bathroom addition will help alleviate the existing accessibility issues resulting from the interior layout of the home.

The approval is subject to the following conditions:

- 1) Obtainment of the proper building-related permits; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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APPLICANT Howard Stallworth

REQUEST Side Street Yard Setback Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

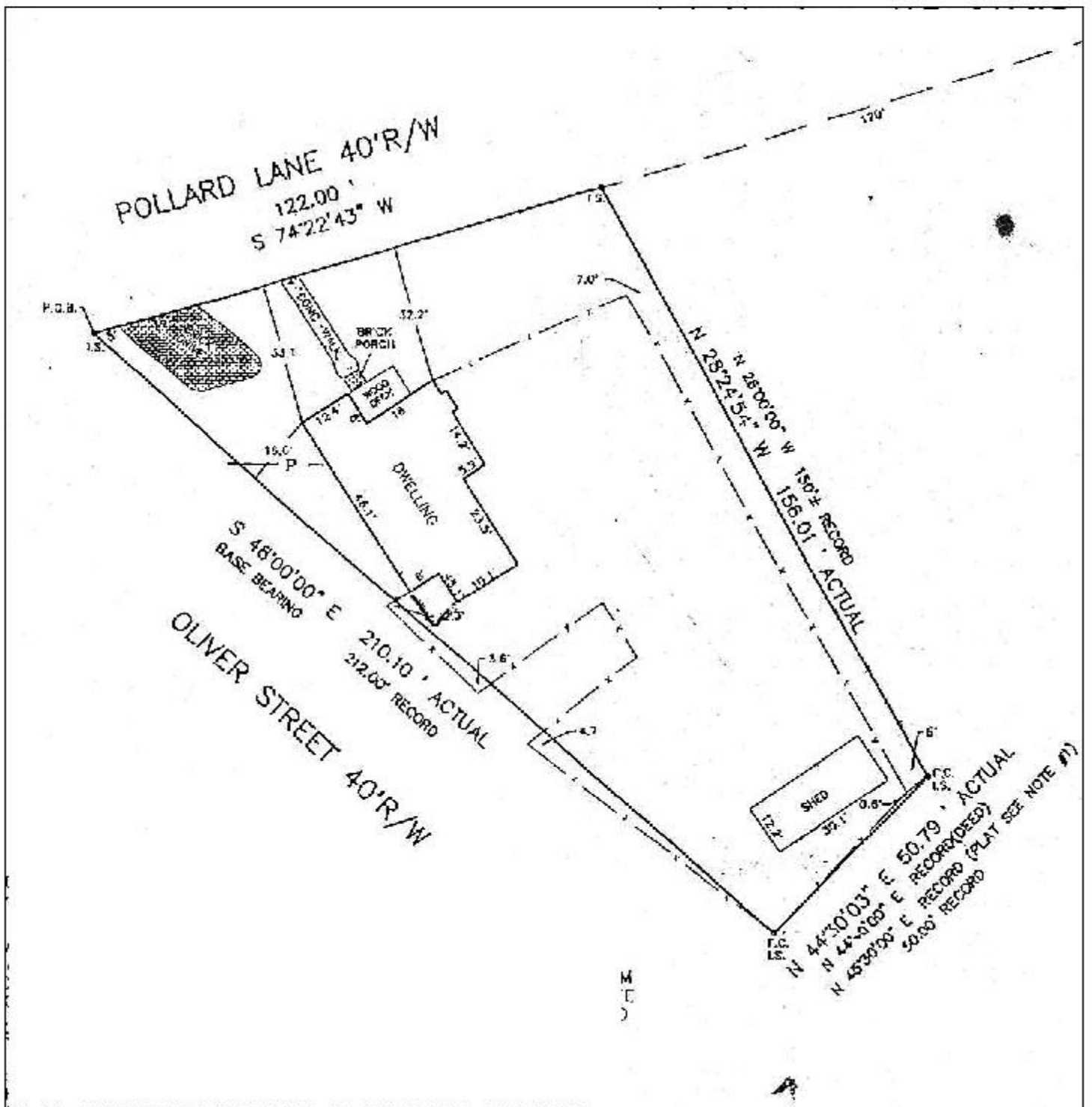
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DETAIL SITE PLAN



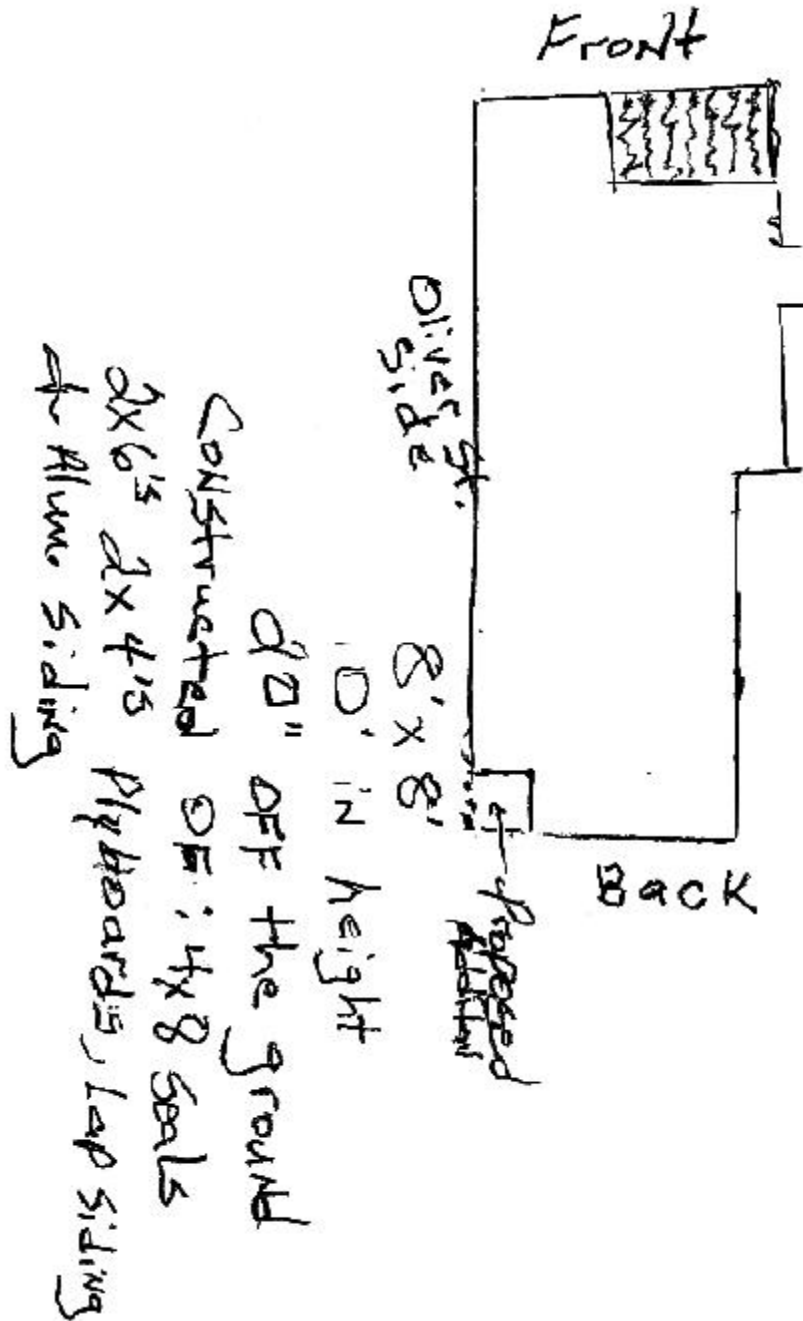
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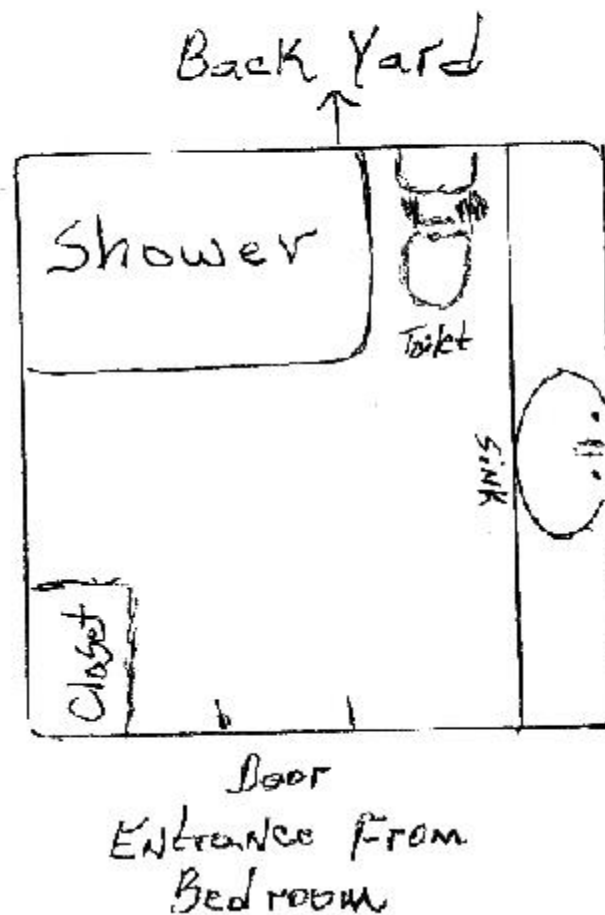
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DETAIL SITE PLAN

Interior proposed Lay out
of area



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