

APPLICATION NUMBER

5580

A REQUEST FOR

**SITE COVERAGE VARIANCE TO ALLOW 40% SITE
COVERAGE IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; THE ZONING ORDINANCE REQUIRES A
MAXIMUM SITE COVERAGE OF 35% IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

(South side of Grant Street, 155' West of Cottage Hill Road)

APPLICANT/OWNER

SAM COVERT, JR.

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2009

The applicant is requesting a site coverage variance to allow 40% site coverage in an R-1, Single-Family Residential District; the Zoning Ordinance requires a maximum site coverage of 35% in an R-1, Single-Family Residential District.

The applicant wishes to construct a 3,060 square foot dwelling on a 7,670 square foot lot. The applicant states that he proposes to construct a center-of-the-lot, 12' wide driveway entrance, thus saving two existing oak trees in the City's right-of-way: this configuration would be required due to the size of the lot in consideration of all setbacks, thus it is not a "design" choice. Removal of the trees would require the Mobile Tree Commission approval; and, it in no way necessitates increased site coverage. The site plan furnished proposes that the site shall meet all required setbacks.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

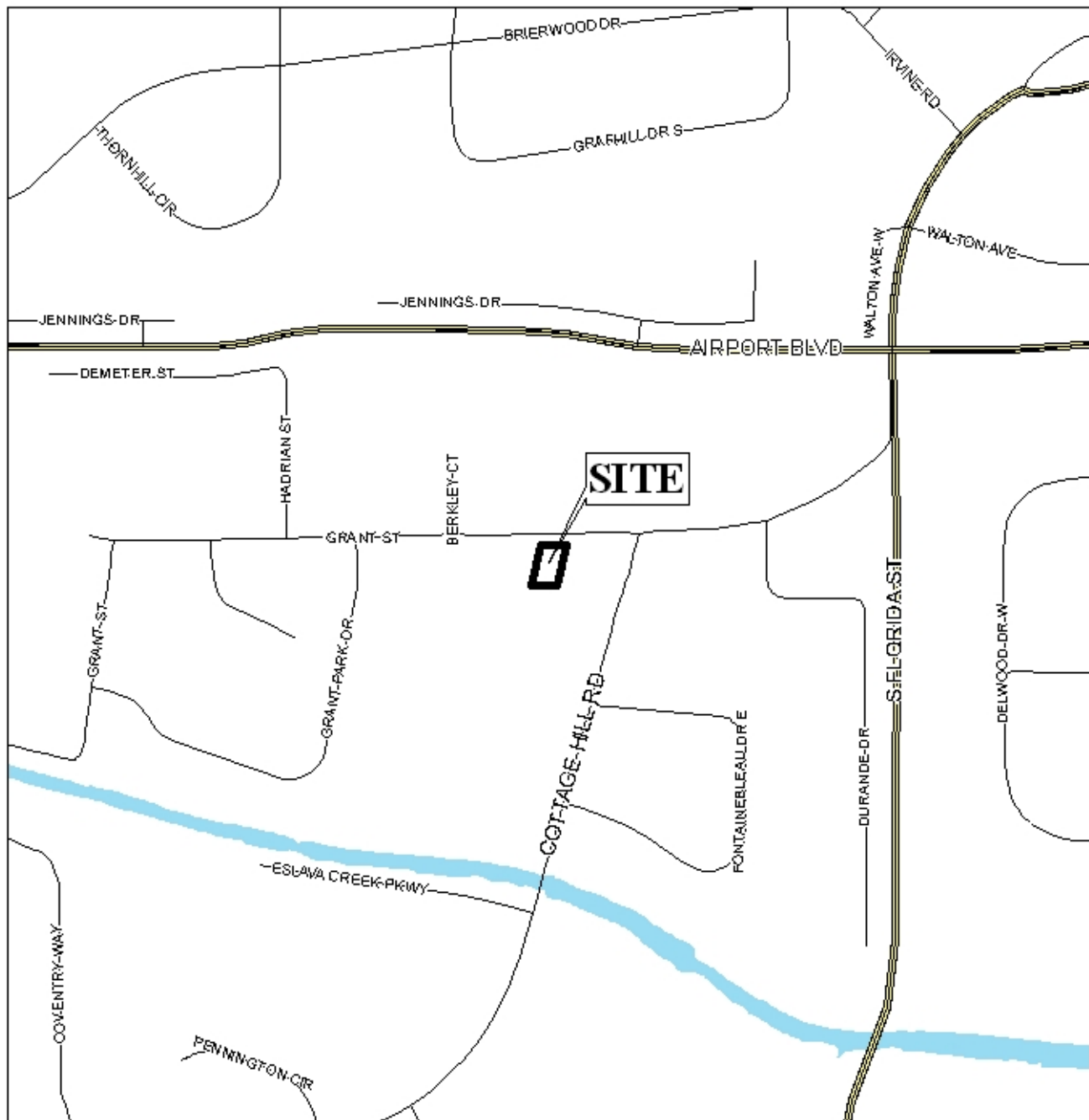
The fact that the footprint of the proposed dwelling exceeds the maximum site coverage, as required by Section 64-3.C.1 of the Zoning Ordinance, is not a hardship. It is however, a design issue of overdeveloping the site. Increased site coverage is not characteristic of the surrounding neighborhood, and an approval here may set an unwanted precedent for future development in the area.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5580**Date: November 2, 2009**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5580 DATE November 2, 2009

APPLICANT Sam Covert, Jr.

REQUEST Site Coverage Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING














This site is surrounded by residential land use with business land use to the north.

APPLICATION NUMBER 5580 DATE November 2, 2009

APPLICANT Sam Covert, Jr.

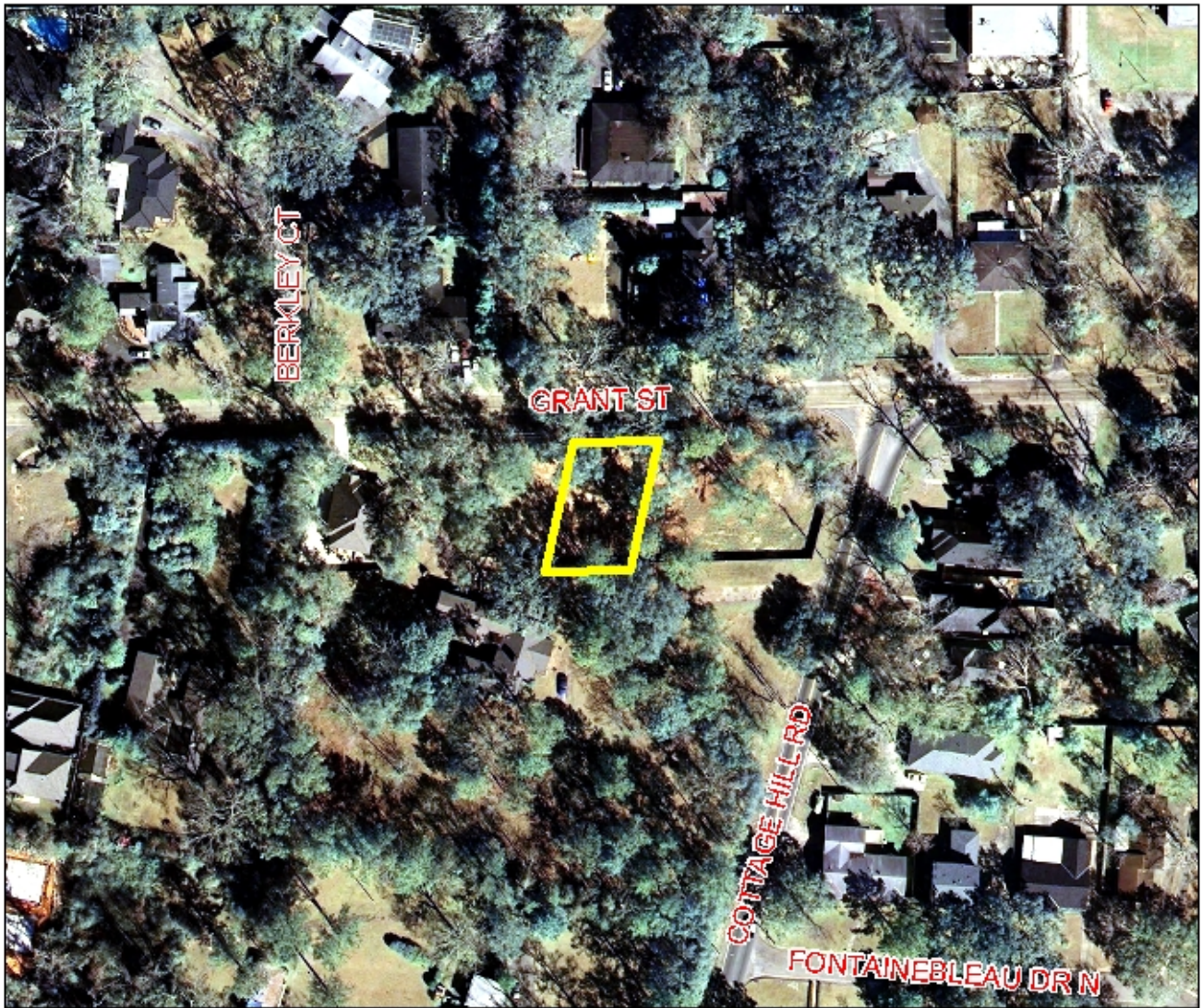
REQUEST Site Coverage Variance

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	NTS
---	---	---	---	---	---	---	---	--	---	---	---	---	---	---	-----



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

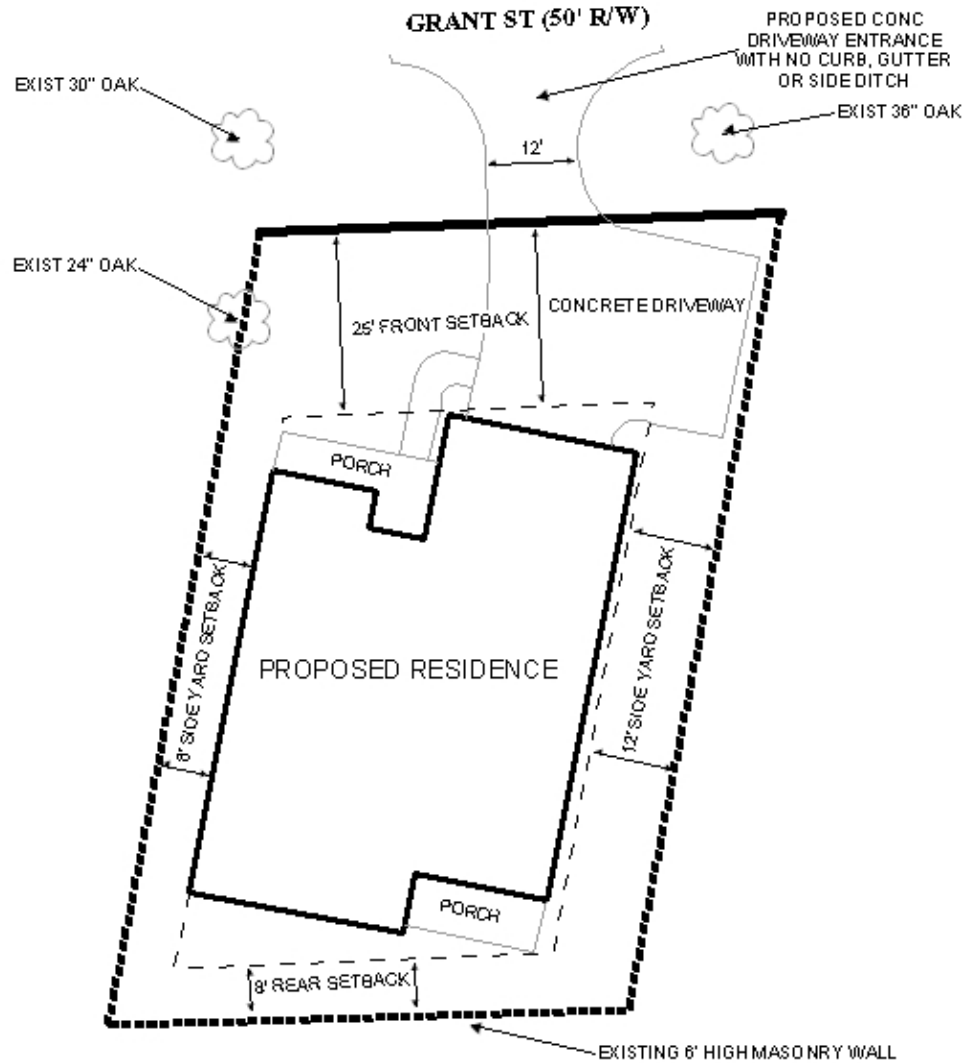


This site is surrounded by residential land use with business land use to the north.

APPLICATION NUMBER 5580 DATE November 2, 2009
APPLICANT Sam Covert, Jr.
REQUEST Site Coverage Variance

N
NTS

SITE PLAN



This site plan illustrates the proposed residence, driveway entrance, and setbacks.

APPLICATION NUMBER 5580 DATE November 2, 2009
 APPLICANT Sam Covert, Jr.
 REQUEST Site Coverage Variance

