

APPLICATION NUMBER

**5255**

A REQUEST FOR

**SIDE YARD, TOTAL COMBINED SIDE YARD, AND  
FENCE HEIGHT VARIANCES TO ALLOW ADDITIONS  
AND RENOVATIONS TO A RESIDENTIAL STRUCTURE  
WITHIN FIVE-FEET OF A SIDE PROPERTY LINE, WITH  
A TOTAL COMBINED SIDE YARD OF 15-FEET, AND A  
SEVEN-FOOT HIGH FENCE/WALL WITHIN 22-FEET OF  
THE FRONT PROPERTY LINE; AN EIGHT-FOOT  
SETBACK IS REQUIRED FROM A SIDE PROPERTY  
LINE, A TOTAL COMBINED SIDE YARD OF 20-FEET IS  
REQUIRED FOR RESIDENTIAL STRUCTURES ON A LOT  
60-FEET WIDE OR WIDER, AND A 25-FOOT FRONT  
YARD SETBACK IS REQUIRED IN AN R-1, SINGLE-  
FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

**66 TURNIN LANE**

(West side of Turnin Lane, 422'± South of Wimbledon Drive West)

APPLICANT/OWNER

**GREG & PAM BREEDLOVE**

**BOARD OF ZONING ADJUSTMENT**

AUGUST 2004

The applicant is requesting Side Yard, Total Combined Side Yard, and Fence Height Variances to allow additions and renovations to a residential structure within five-feet of a side property line, with a total combined side yard of 15 feet, and a seven-foot high fence/wall within 22-feet of the front property line; an eight-foot setback is required from a side property line, a total combined side yard of 20-feet is required for residential structures on a lot 60 feet wide or wider, and a 25-foot front yard setback is required in an R-1, Single-Family Residential District.

The applicant states the existing 80-foot wide, two-story dwelling has existing 10-foot side yards (North and South). The proposed construction will remove the existing second story, and replace it with a new second story, almost on the exact same building footprint. However, a covered walkway shall be added on the south side of the residence, with support columns to carry the first story roof. Additionally, two, 22-feet x 22-feet garages are proposed, the south garage would be 5-feet from the south property line, the north garage as proposed will maintain the 10-foot side yard.

The applicant states the existing residence utilizes a 10-foot wide driveway to a rear double carport attached to the dwelling. Since the existing carport is difficult to access, and the rear yard driveway turnaround consumes too much rear yard; the applicant proposes front yard garages. The applicant states a large oak within the front yard dictates the placement of the southern garage 5-feet from the south side property line.

The existing residence provides adequate setbacks illustrating that the site can be developed in compliance with the setback requirements of the Ordinance.

The applicant is also requesting the approval to construct a solid fence with wrought iron gates, within 22-feet of the front property line. The applicant states several solid fences and garage buildings already exist in the neighborhood closer than 25-feet from the front property line, including directly across the street.

While the Board has granted front yard setback variances to allow fences constructed higher than the 3-foot required by the Ordinance, in this situation the fence would be located 22-feet from the front property line and would provide sufficient distance to allow the stacking of vehicles accessing the site.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct the second floor addition and garage within 5-feet of the south side property line. However, the front yard setback to allow a seven-foot high fence/wall would provide a streetscape consistent with the neighboring properties.

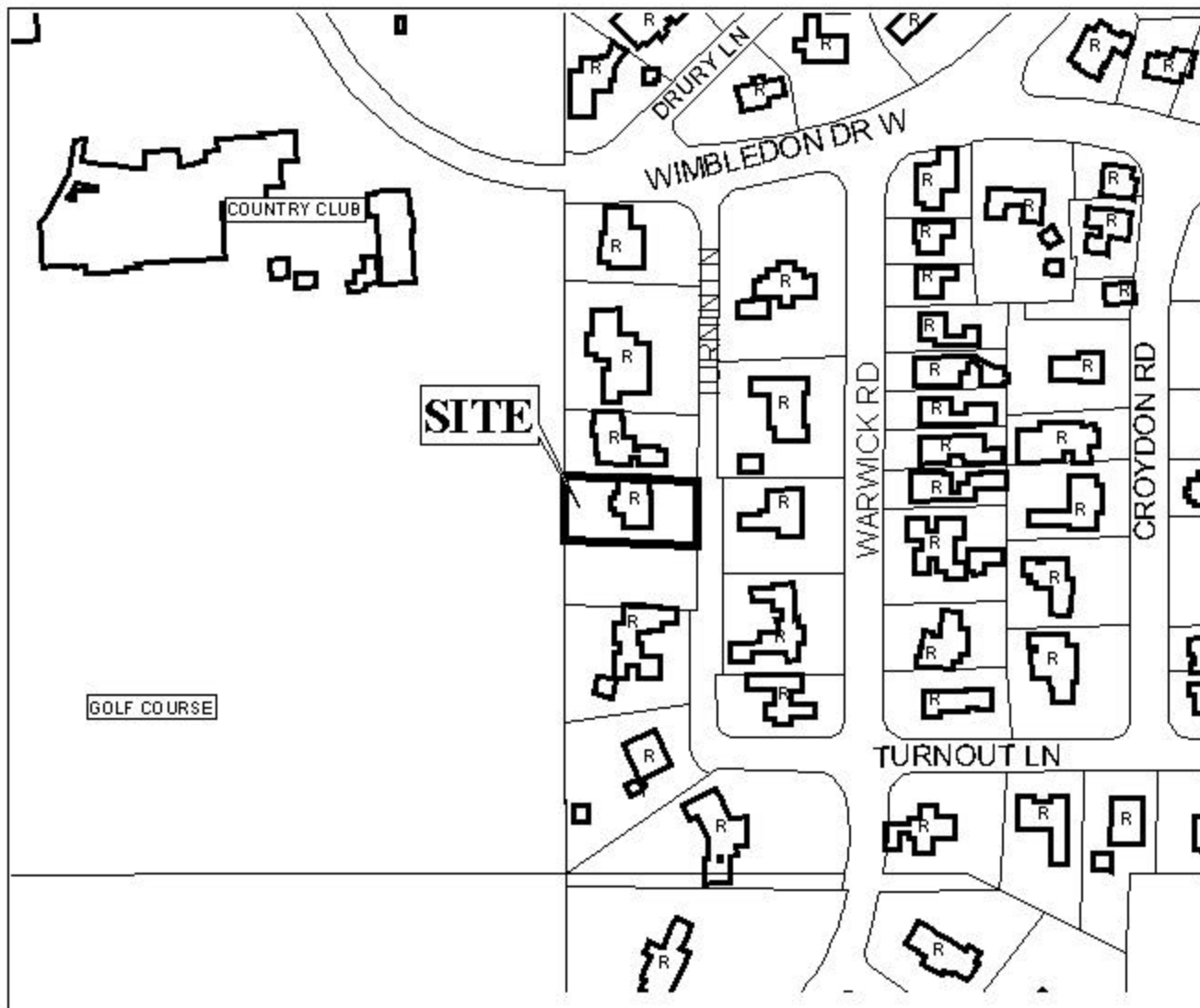
**RECOMMENDATION 5255****Date: August 2, 2004**

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Based on the preceding, it is the recommendation that the side yard setback, and combined side yard setback variance request be denied, and that the request for a front yard setback variance be approved.

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.  
A country club is located to the west of the site

APPLICATION NUMBER 5255 DATE August 2, 2004

APPLICANT Greg & Pam Breedlove

REQUEST Side Yard, Total Combined Side Yard, Fence Height Variance

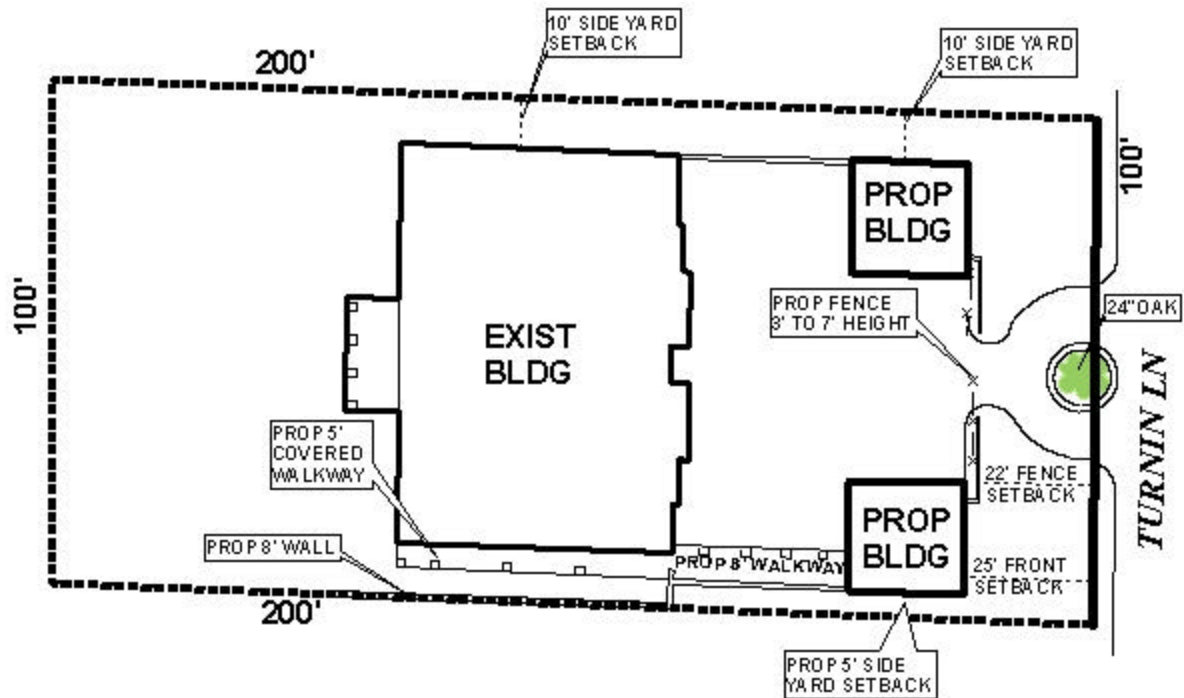
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



NTS

## SITE PLAN



The site plan illustrates the existing building and landscaping, along with the proposed buildings, walkways, and setbacks.

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