

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2011****CASE NUMBER**

5690

APPLICANT NAME

Ellis Harper

LOCATION3265 Club House Road
(East side of Club House Road, 100'± North of Gill Road)**VARIANCE REQUEST****SETBACK:** Side Yard and Combined Side Yard Setback Variances to allow the construction of a dwelling within 5.1' of the Northern property line and within 10' of the Southern side of the property line and a combined side yard setback of 15.1' on a 58' wide lot in an R-1, Single Family Residential District.**ZONING ORDINANCE
REQUIREMENT****SETBACK:** 8' minimum building setback from one side and 11.3' on the other side property line with a total combined side yard of 19.3' on a 58' wide lot in an R-1, Single-Family Residential District.**ZONING**

R-1, Single Family Residential

AREA OF PROPERTY

0.2 ± acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting a side yard setback variance to allow a residence to be constructed within 5.1 feet of a side property line for a combined side yard of 15.1 feet on a 58 foot wide lot in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard of 8 feet and a side yard sum of 19.3 feet on a 58 foot wide lot in an R-1, Single-Family Residential District.

The applicant states that the size and shape of the lot creates a limitation for where to place the proposed residence. The building is currently shown as 43.4' wide. Part of the design process is to take setbacks, site coverage and other similar factors into consideration to establish the buildable area and design within those confines. If the building were re-designed to be slightly more narrow, the side yards would meet the Zoning Ordinance requirements, therefore it is a design issue and not a hardship.

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.

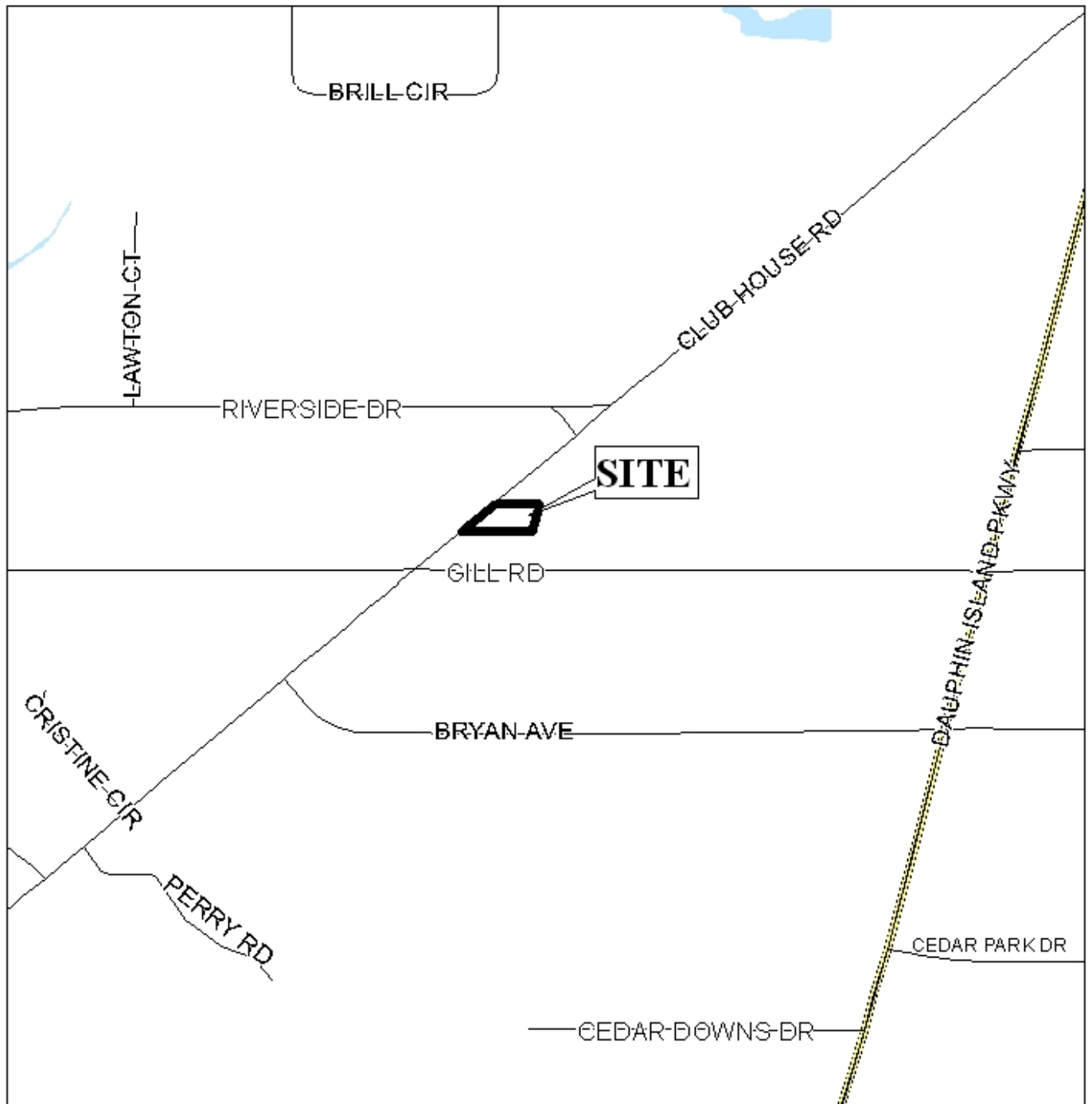
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to have setbacks less than the requirements of the Ordinance.

RECOMMENDATION:

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

LOCATOR MAP



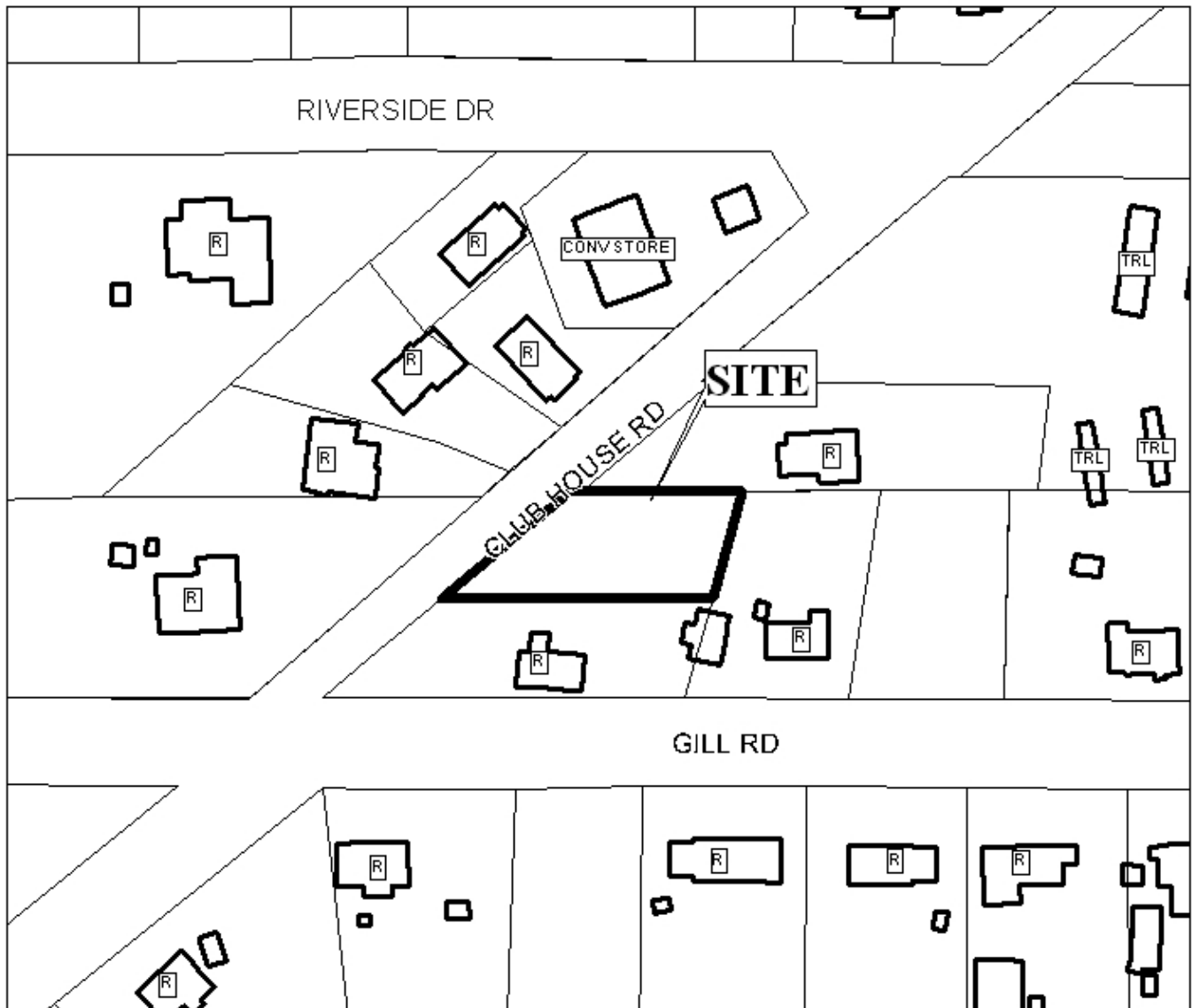
APPLICATION NUMBER 5690 DATE July 11, 2011

APPLICANT Ellis Harper

REQUEST Side Yard and Combined Side Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and a convenience store is located to the north.

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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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

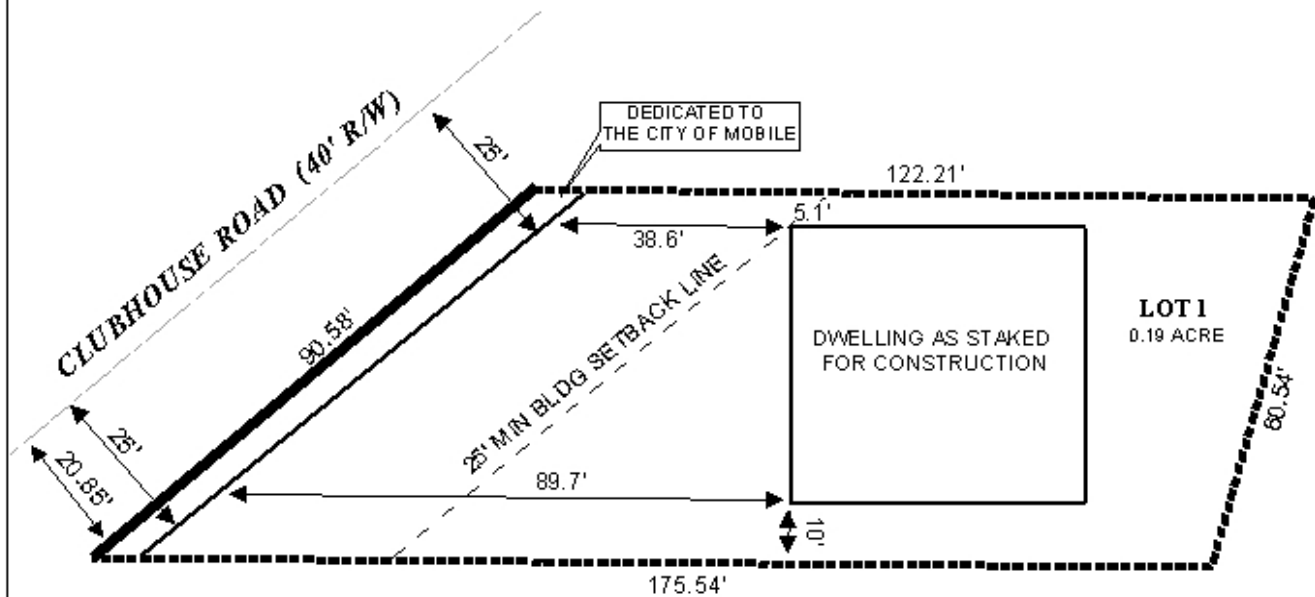


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SITE PLAN



The site plan illustrates the lot and building configuration.

APPLICATION NUMBER 5690 DATE July 7, 2011

APPLICANT Ellis Harper

REQUEST Side Yard and Combined Side Yard Setback Variances

