

APPLICATION NUMBER

5453

A REQUEST FOR

FRONT AND REAR YARD SETBACK VARIANCES TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING AND 6' HIGH MASONRY WALL WITHIN 15' OF THE FRONT PROPERTY LINE, AND A STORAGE BUILDING WITHIN 5' OF THE REAR PROPERTY LINE WITHIN A HISTORIC DISTRICT; A 19' FRONT YARD SETBACK AND AN 8' REAR YARD SETBACK ARE REQUIRED WITHIN A HISTORIC DISTRICT

LOCATED AT

(North side of Church Street, 100'± West of Chatham Street)

APPLICANT/OWNER

LEWIS F. MAYSON

BOARD OF ZONING ADJUSTMENT

DECEMBER/2007

The applicant is requesting front and rear yard setback variances to allow the construction of a single-family dwelling and 6' high masonry wall within 15' of the front property line, and a storage building within 5' of the rear property line within a Historic District; a 19' front yard setback and an 8' rear yard setback are required within a Historic District.

The applicant proposes to construct a two-story single-family residence on an empty lot. The dwelling along with a masonry wall will have a 15' front setback from Church Street. Also proposed is a 5' rear and side yard setback for a storage shed. The applicant states that these setbacks will enable all parking to be in the rear of the property.

In 1999, the three lots to the West of the applicant's property were before the Board for front and side yard setback variances. Typically, the Board is sympathetic of the unique nature of our city's historic districts, and this case was a very unique case. Rather than being constructed, the homes were transported to these lots from the Old Dauphinway Historic District for preservation purposes. Therefore, altering the dimensions of the houses was not feasible, and the Board approved the variances for 20' front setbacks and total combined side yard setbacks of 16'.

With regard to the applicant's requests for front and rear setback variances, no hardship is apparent. There appears to be adequate space for the applicant to at least meet the 20' setback precedence set by the homes to the West and still have enough space for parking in the rear. And since the home is to be newly constructed, perhaps the applicant can change the proposed dimensions to satisfy his/her wishes. Furthermore, no hardship has been found to prevent the storage shed from meeting the required 8' setbacks from the side and rear property lines.

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 applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. There is adequate space for the applicant to meet a 20' front setback from Church Street and the required 8' side and rear setbacks for the storage

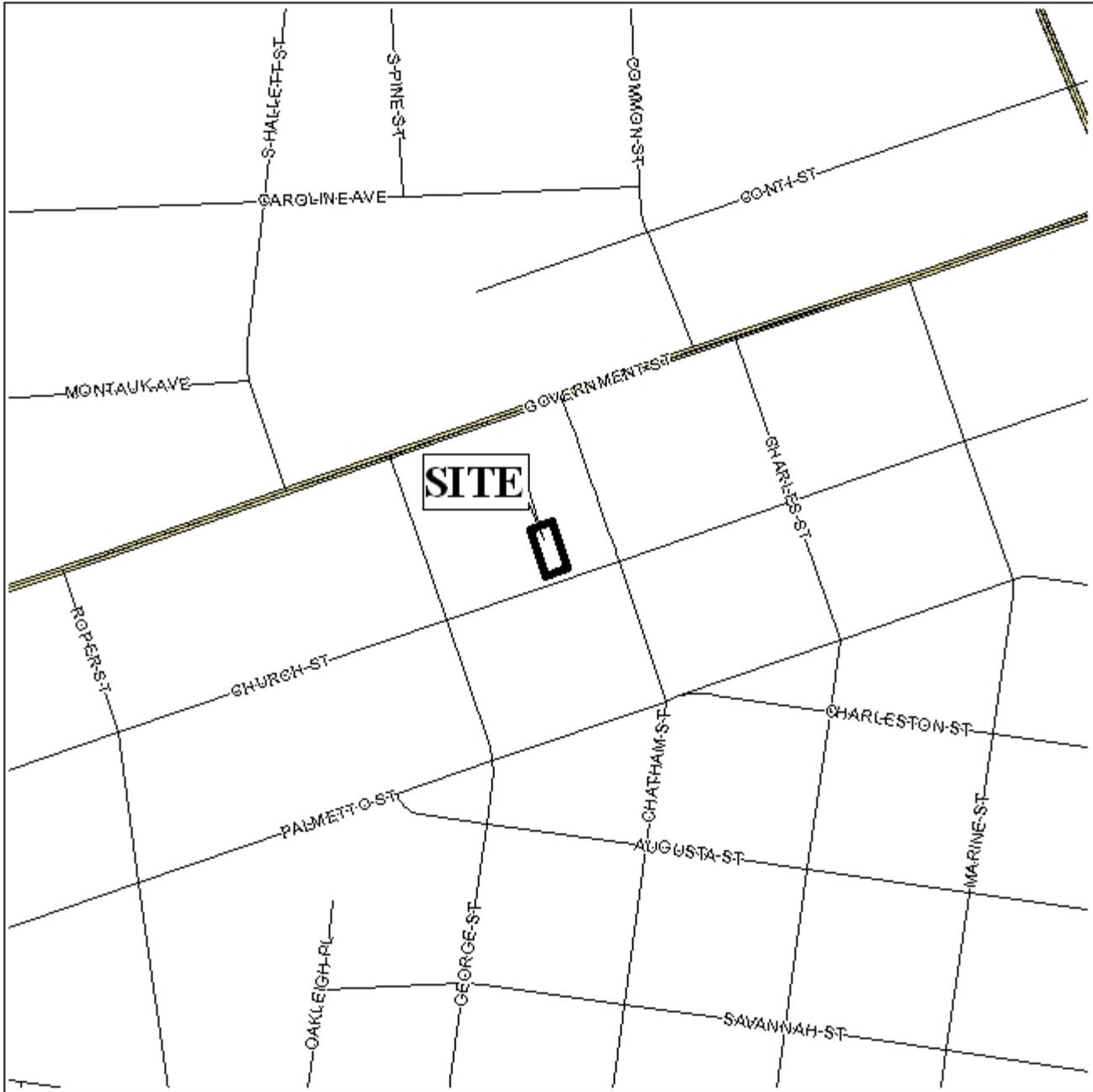
shed. It is simply the applicant's desire to construct a dwelling 16' from the front property line and storage shed 5' from the side and rear property lines.

RECOMMENDATION 5453

Date: December 3, 2007

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

LOCATOR MAP



APPLICATION NUMBER 5453 DATE December 3, 2007

APPLICANT Lewis F. Mayson

REQUEST Front and Rear Yard Setback Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

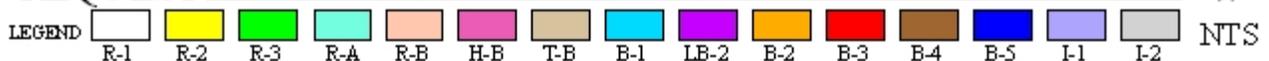


This site is surrounded by miscellaneous land use

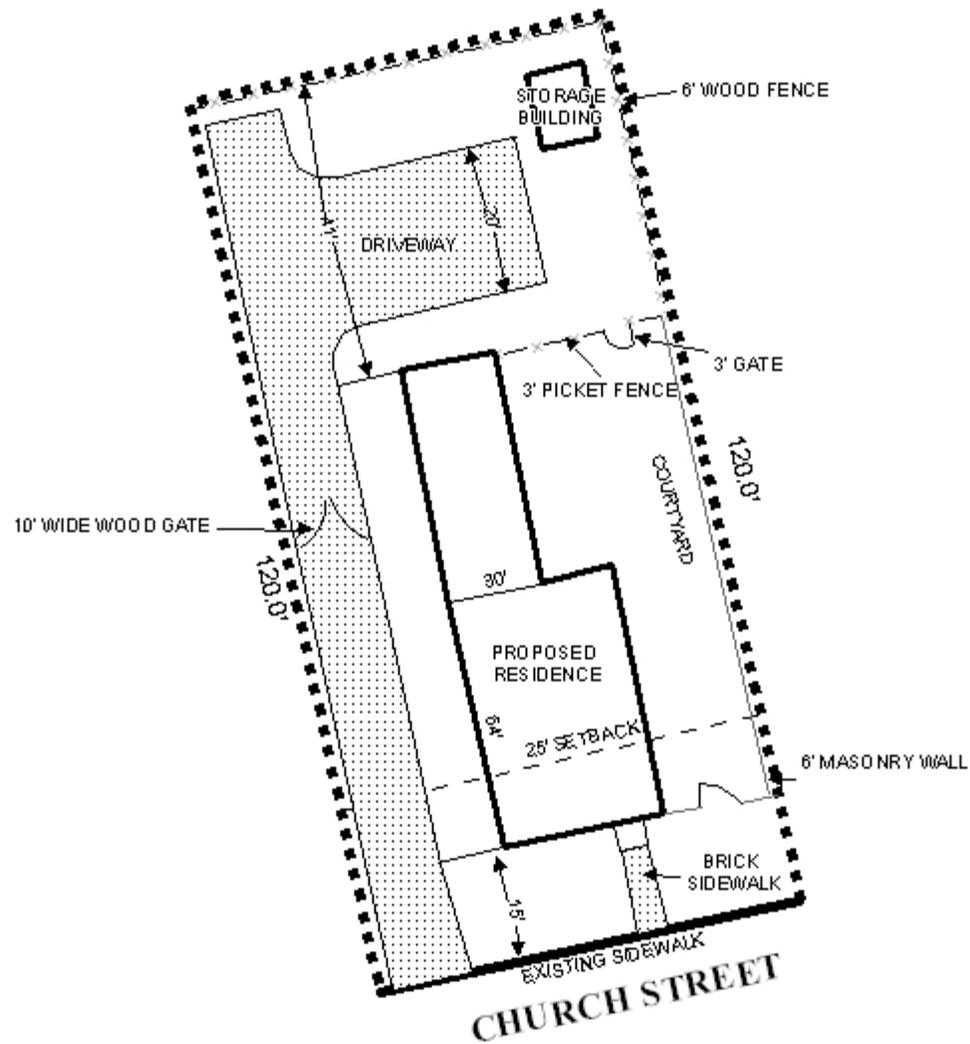
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SITE PLAN



This site plan illustrates proposed buildings and structures.

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