

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 6, 2010**

<u>CASE NUMBER</u>	5647
<u>APPLICANT NAME</u>	Shivram S. Dasappa
<u>LOCATION</u>	602 Bishops Lane North (East side of Bishops Lane North, 58'± North of Broadway Drive)
<u>VARIANCE REQUEST</u>	SETBACKS: Allow an addition to be constructed within 5.42 feet of a side property line with a side yard sum of 14.75 feet on a 58 foot wide lot.
<u>ZONING ORDINANCE REQUIREMENT</u>	SETBACKS: A minimum side yard of eight (8) feet and a side yard sum of 19.3 feet for a 58 foot wide lot.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.2 Acre ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting a Side Yard Setback Variance to allow an addition to be constructed within 5.42 feet of a side property line with a side yard sum of 14.75 feet on a 58 foot wide lot in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum side yard of eight (8) feet and a side yard sum of 19.3 feet for a 58 foot wide lot.

The applicant wishes to construct a 690 square foot addition consisting of a bedroom, bathroom, and laundry room to the existing non-conforming dwelling constructed in 1959. The applicant states and the site plan depicts that the new addition will not encroach into the required side yard any more than the structure currently does.

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.

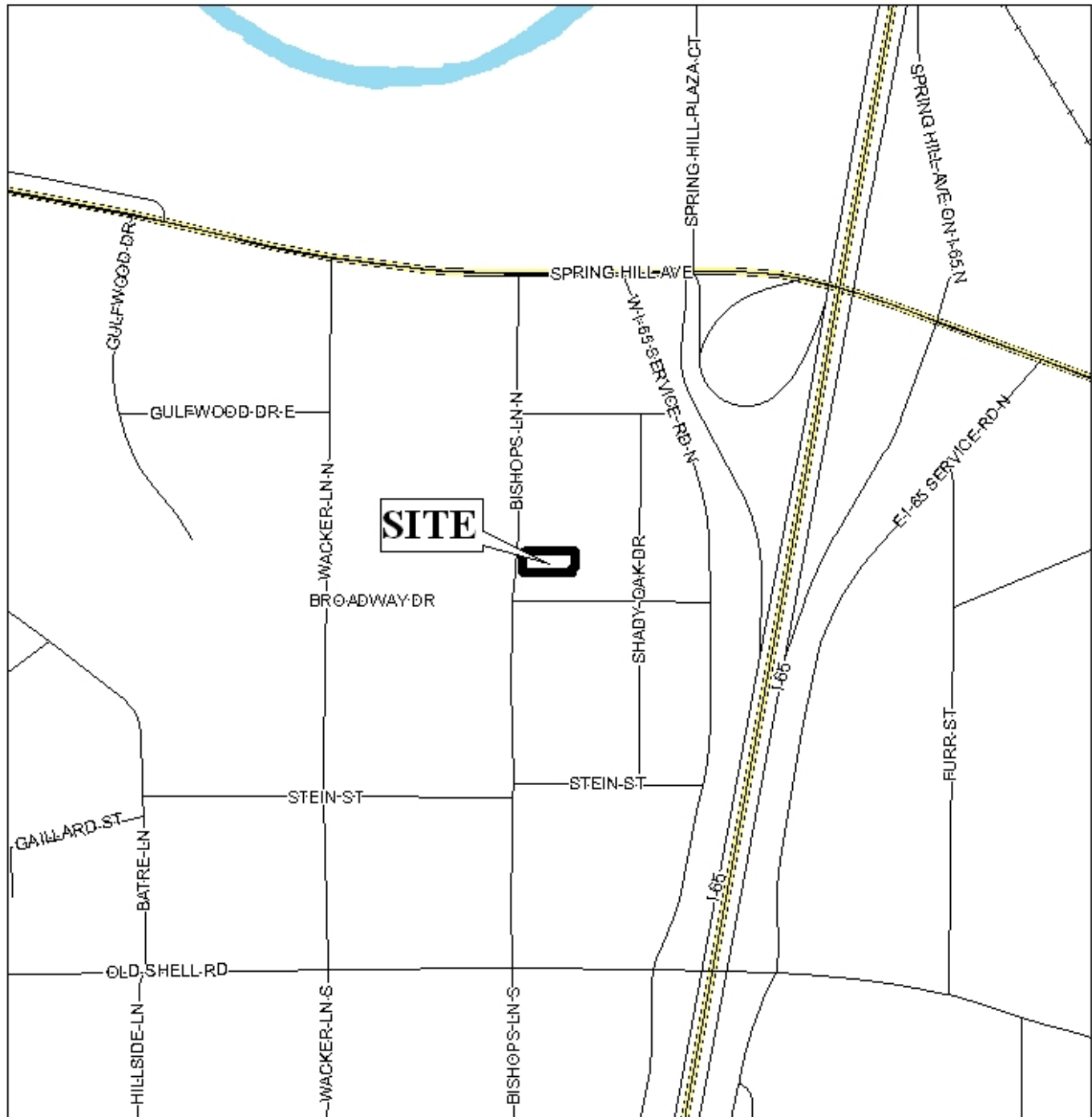
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant does not specifically state what the hardship on the property is other than the structure already being non-conforming and wanting to “square-off” the house for aesthetic reasons. Given that the structure already encroaches into the required side yard, and that other structures in the area do as well, the variance may be appropriate.

RECOMMENDATION

Based upon the preceding, this application is recommended for approval.

LOCATOR



APPLICATION NUMBER 5647 DATE December 6, 2010

APPLICANT Shivram S. Dasappa

REQUEST Side Yard Setback Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

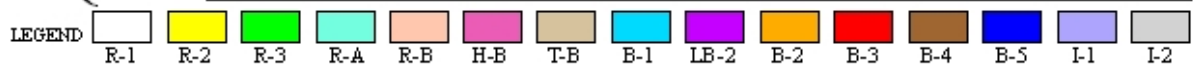


This site is surrounded by residential land use.

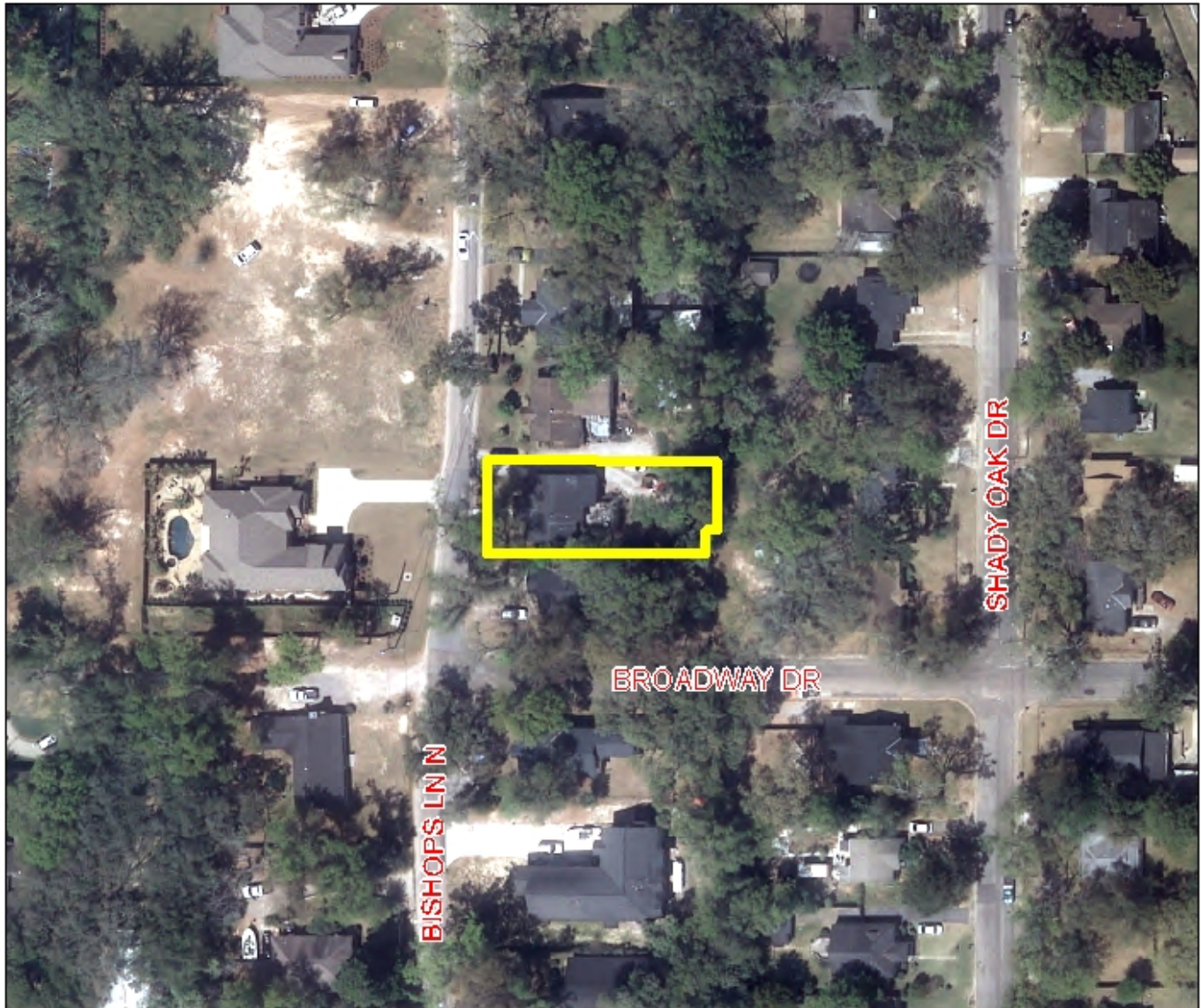
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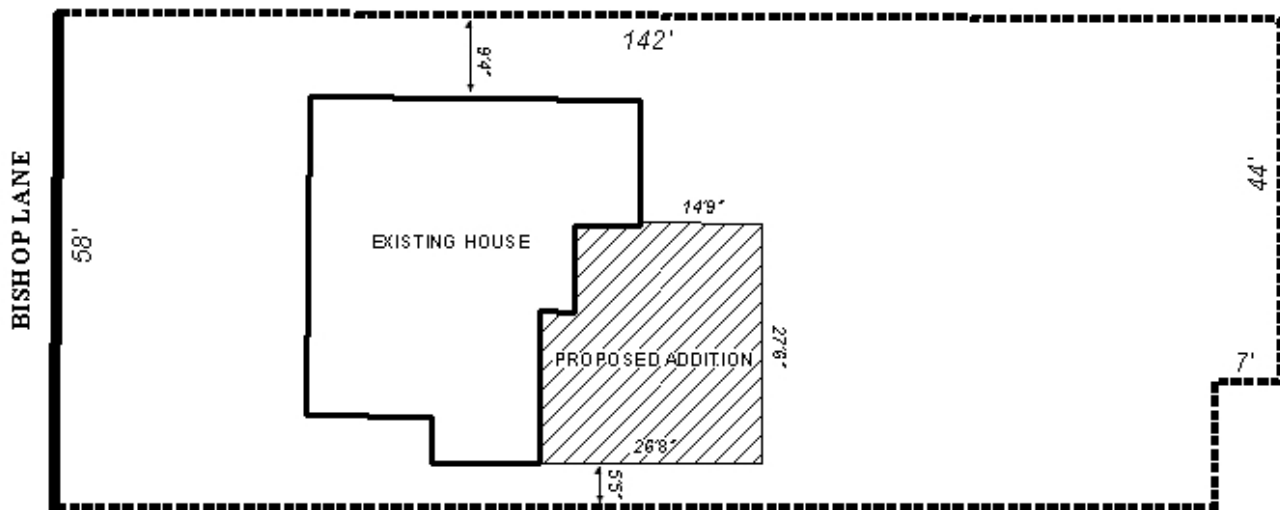
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SITE PLAN



This site plan illustrates the existing house and proposed addition.

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