APPLICATION NUMBER

5543

A REQUEST FOR

FRONT YARD SETBACK VARIANCE TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING 22.4' FROM THE FRONT PROPERTY LINE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE ZONING ORDINANCE REQUIRES A MINIMUM 25' FRONT YARD SETBACK IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

LOCATED AT

1020 OAKLAND DRIVE
(Southeast corner of Oakland Drive)

APPLICANT/OWNER

WILLIAM JONES, JR.

AGENT

HAIDT LAND SURVEYING

BOARD OF ZONING ADJUSTMENT
JULY 2009

The applicant is requesting a Front Yard Setback Variance to allow the construction of a single-family dwelling 22.4' from the front property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback in an R-1, Single-Family Residential District.

In 2008 a building permit was issued for the construction of a single-family dwelling on the property meeting the standard recorded 25' front building setback. However, the building footprint was reversed at stake-out resulting in an actual 22.4' front setback at the Northwest corner of the dwelling which was not discovered until the near-completion of the residence. The applicant states that the footprint was reversed to avoid the removal of a large Oak tree where the driveway was proposed. In order to have the dwelling compliant to the front setback, the applicant recently obtained approval from the Planning Commission to amend the recorded plat for the lot to have the front setback line follow the previously recorded 25' front setback line but to follow the footprint of the building within the encroachment. A condition of that approval was the submission and approval of a Front Setback Variance by the Board of Zoning Adjustment prior to the recording of the final plat, hence this application.

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.

Although the hardship of the placement of the dwelling would be considered to be self-imposed in this instance, a resultant hardship is imposed in that the placement cannot be readily corrected. That, combined with the fact that the setback encroachment is minor in nature, would be considered sufficient justification for the granting of this Variance request.

RECOMMENDATION 5543   Date: July 6, 2009

Based upon the preceding, this application is recommended for approval to the as-built dimensions.

LOCATOR MAP

ACAMPO BLVD

OAKADO CT

ALTA CT

RAINES DR

OKADO DR S

VISTA TERRACE

PANORAMA BLVD W

MONTARA DR

MOMOTE DR W

TARAWA

MONARCH DR N

AHEPA LN

VISTA BONITA CT

KEYSTONE PL

KWAJALEIN DR

FAIRFIELD PL

IWO-JIMA DR N

SITE

NADZAB

IWO-JIMA DR E

WILDWOOD PL

KASSERINE PASS

OAKLAND DR

COTTAGE HILL SERVICE RD

BENTLEY CT

KNODEL DR

PANORAMA DR

OAK-TERRACE-DR

BENTLEY LN

COTTAGE HILL RD

VIVIAN DR

EAST RD

DOGWOOD CT N

ABLE CT

SYBEL DR

SYBEL DR

APPLICATION NUMBER ____5543____ DATE ____July 6, 2009____

APPLICANT ____William Jones, Jr.____

REQUEST ____Front Yard Setback Variance____

N

NTS

BOARD OF ADJUSTMENT
## VICINITY MAP - EXISTING ZONING

SITE

OAKLAND DR

The site is surrounded by single family residential units.

APPLICATION NUMBER ___5543___ DATE ___July 6, 2009___

APPLICANT ___William Jones, Jr.___

REQUEST ___Front Yard Setback Variance___

N

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

The site is surrounded by single family residential units.

APPLICATION NUMBER ___5543___ DATE ___July 6, 2009___

APPLICANT ___William Jones, Jr.___
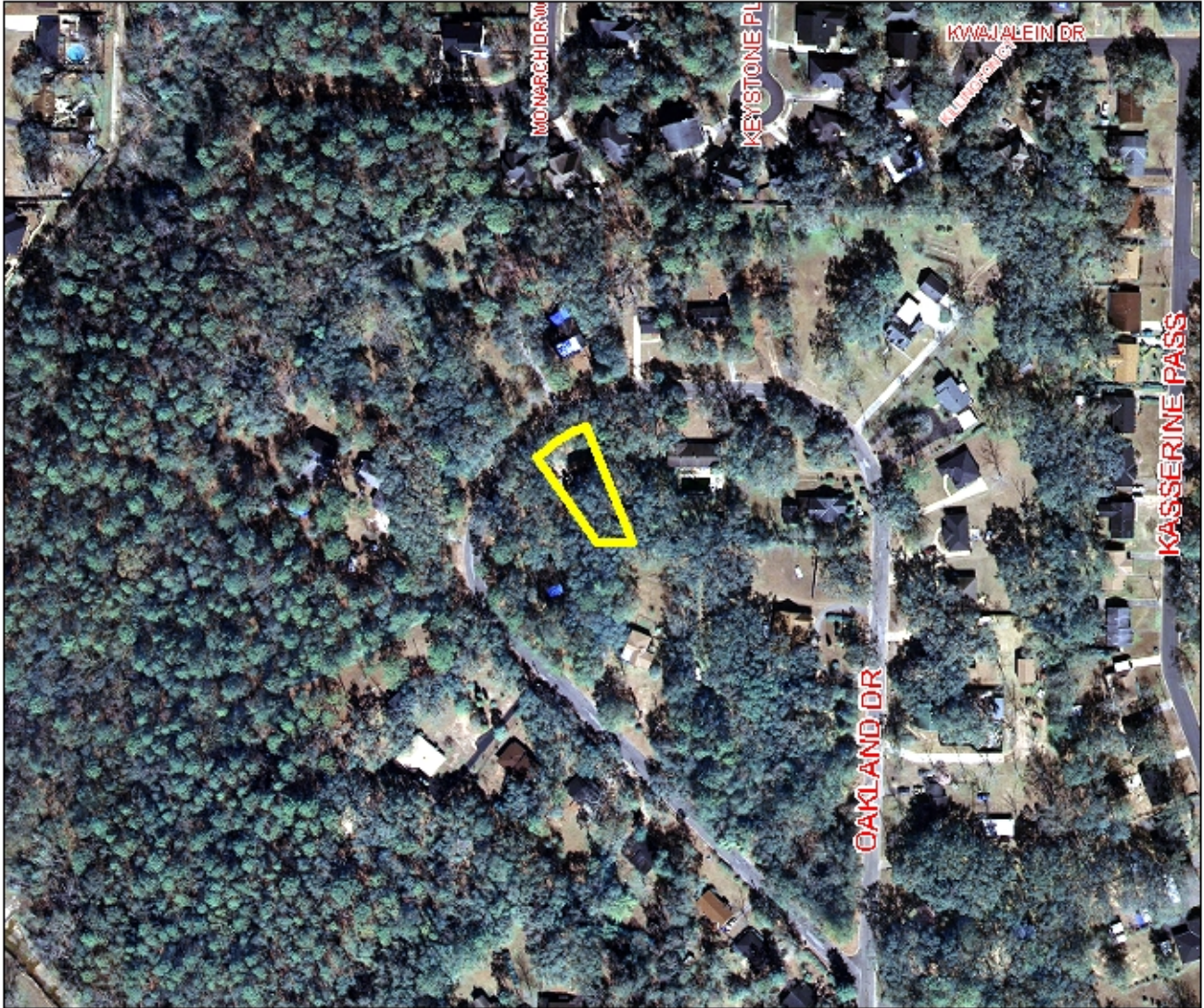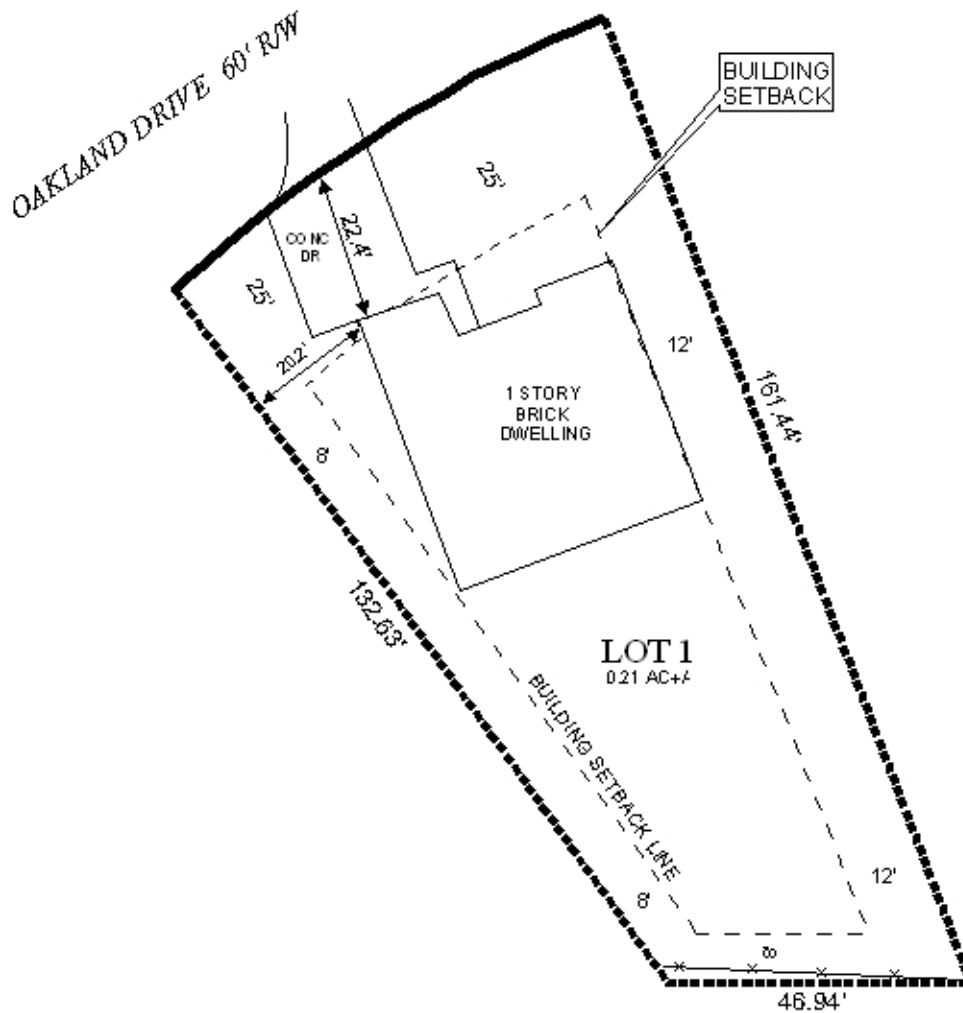
REQUEST ___Front Yard Setback Variance___

N

NTS

SITE PLAN

OAKLAND DRIVE 60' R/W

BUILDING SETBACK

25'

22.4'

CONC DR

25'

20.2'

12'

161.44'

1 STORY BRICK DWELLING

8'

132.63'

BUILDING SETBACK LINE

LOT 1
0.21 AC+/-

12'

8'

8'

46.94'

The site plan illustrates the existing building, the building setback, and drive.

APPLICATION NUMBER ___5543___ DATE ___July 6, 2009___

APPLICANT ___William Jones, Jr.___

REQUEST ___Front Yard Setback Variance___

N

NTS