

APPLICATION NUMBER

5130

A REQUEST FOR

**REAR AND SIDE YARD SETBACK VARIANCES TO
ALLOW THE CONSTRUCTION OF A CARPORT AND
LAUNDRY ROOM 4' FROM THE SIDE PROPERTY LINE
AND 4' FROM THE REAR PROPERTY LINE; AN 8'
MINIMUM SIDE AND REAR YARD SETBACKS IS
REQUIRED IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT.**

LOCATED AT

22 LANCASTER ROAD

(Southeast corner of Lancaster Road and York Place)

APPLICANT

JOHNNY ROBERTS

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

AUGUST 2002

The applicant is requesting Rear and Side Yard Setback Variances to allow the construction of a carport and laundry room 4' from the side property line and 4' from the rear property line; an 8' minimum side and rear yard setbacks are required in an R-1, Single-Family Residential District.

The applicant states that a metal carport was removed and that he would like to rebuild a wood framed carport in its place, and extend the existing slab for a laundry room. The applicant goes on to say that there are other carports in the area that encroach into the required setbacks.

In considering side and rear yard applications, the Board has rarely granted sideyard setback variances for less than five feet; and in allowing a five-foot setback, the proposed construction was typically "in-line" with an existing structure. Additionally, the sites were typically located within a historic district and the lot was substandard in width, i.e. less than 60' wide. In this instance the applicant proposes to construct a carport over an existing concrete slab four feet from the side and rear property lines, the site is not located in an historic district and the lot is 99' wide.

Furthermore, as illustrated on the site plan, the applicant has sufficient room to move the new structure four feet to the west or reduce the size of the structure to meet the eight-foot minimum setbacks.

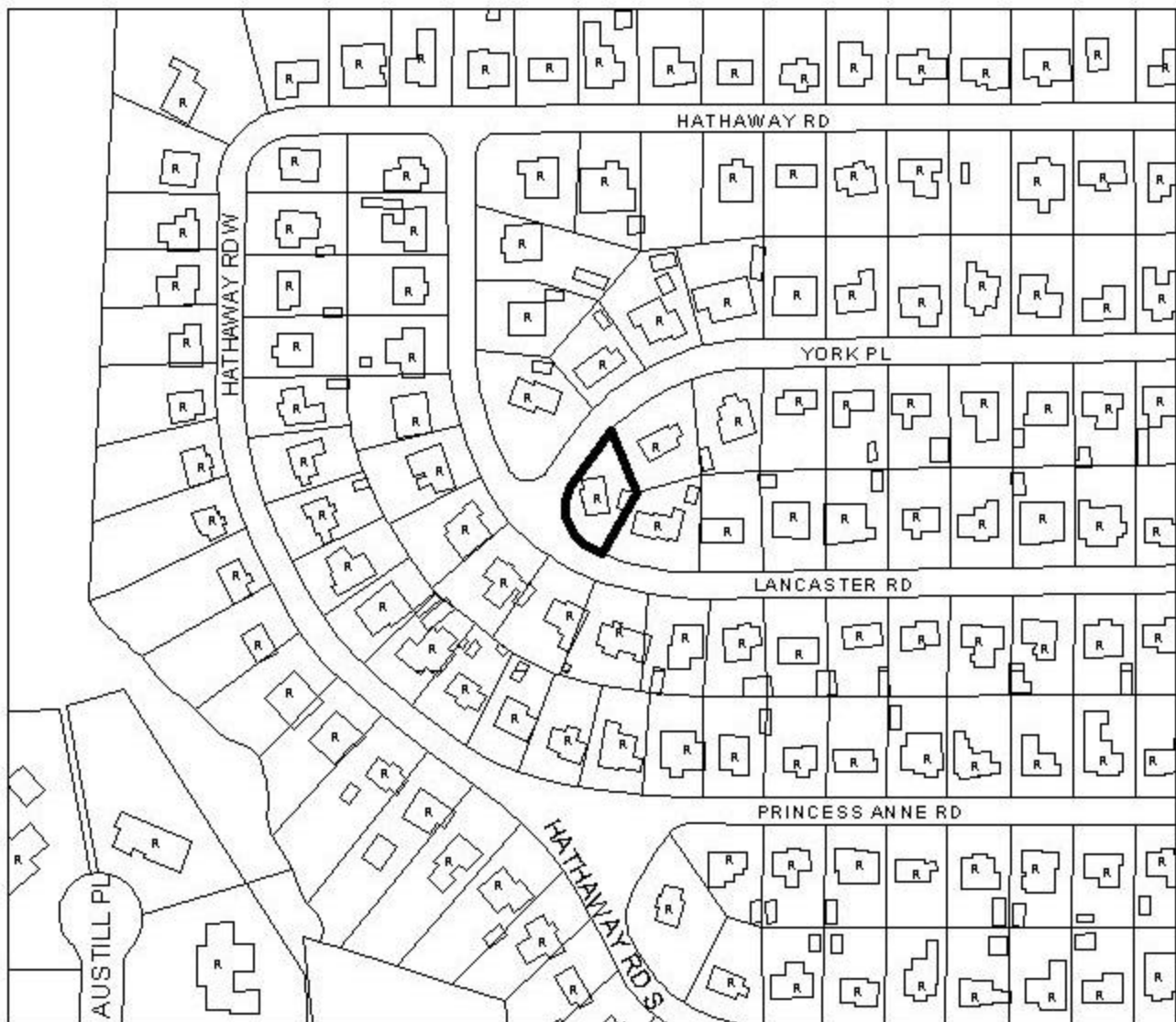
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct a carport within four feet of the property line. Additionally, if the applicant would consider reducing the size of the structure, the carport would meet the required setbacks of the Zoning Ordinance.

RECOMMENDATION 5130**Date: August 5, 2002**

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.

APPLICATION NUMBER 5130 DATE August 5, 2002

APPLICANT Johnny Roberts, (M Don Williams, Agent)

REQUEST Rear and Side Yard Setback Variance

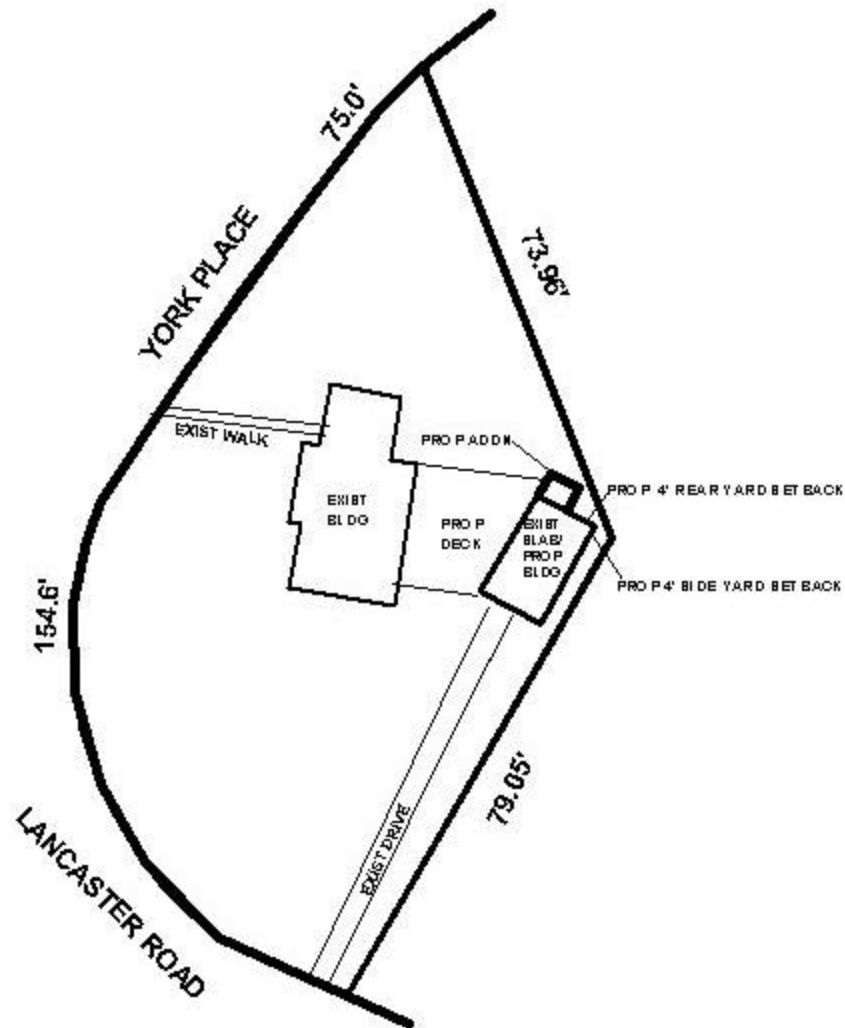
LEGEND

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



NTS

SITE PLAN



Southeast corner of Lancaster Road and York Place. The site plan illustrates the existing building and slab, proposed carport, deck, and carport addition.

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 APPLICANT Johnny Roberts, (M. Don Williams, Agent)
 USE/REQUEST Rear and Side Yard Setback Variance



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