

APPLICATION NUMBER

**5085**

A REQUEST FOR

**SIDE YARD AND TOTAL COMBINED SIDE YARD  
SETBACK VARIANCES TO ALLOW THE PLACEMENT  
OF A DWELLING WITHIN 5' OF THE SIDE YARD  
PROPERTY LINE AND TO ALLOW A 15' TOTAL  
COMBINED SIDE YARD SETBACK; AN 8' SIDE YARD  
AND 20' TOTAL COMBINED SIDE YARD SETBACKS  
ARE REQUIRED ON A 70' WIDE LOT IN AN R-1, SINGLE-  
FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

**1057 STEWART ROAD**

(South side of Stewart Road, 210' ± East of Vera Street)

APPLICANT/OWNER

**CONSUMER MORTGAGE COMPANY, INC.**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2002

The applicant is requesting Side Yard and Total Combined Side Yard Setback Variances to allow the placement of a dwelling within 5' of the side yard property line and to allow a 15' total combined side yard setback; the Zoning Ordinance requires an 8' side yard and 20' combined side yard setbacks on a 70' wide lot in an R-1, Single-Family Residential District.

The applicant states that the purpose of these variances is to allow an existing dwelling to be relocated to this 70' wide lot and would encroach into the side yard and combined side yard setbacks along the West and East sides of the lot.

Three of the primary concerns relating to side yard setbacks are the potential for the spread of fire from one property to another, water run-off onto adjacent properties, and the ability to properly maintain the proposed structure. Other concerns relate to privacy and adequate circulation of light and air.

In considering such applications, the Board has rarely granted side yard setback variances for less than 5 feet, and in allowing a 5-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 of substandard width, i.e. less than 60-feet wide. In this instance, the applicant proposes to relocate an existing dwelling to this location, which as proposed will be 5' from the West (side) property line and 10' from the East (side) property line.

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.

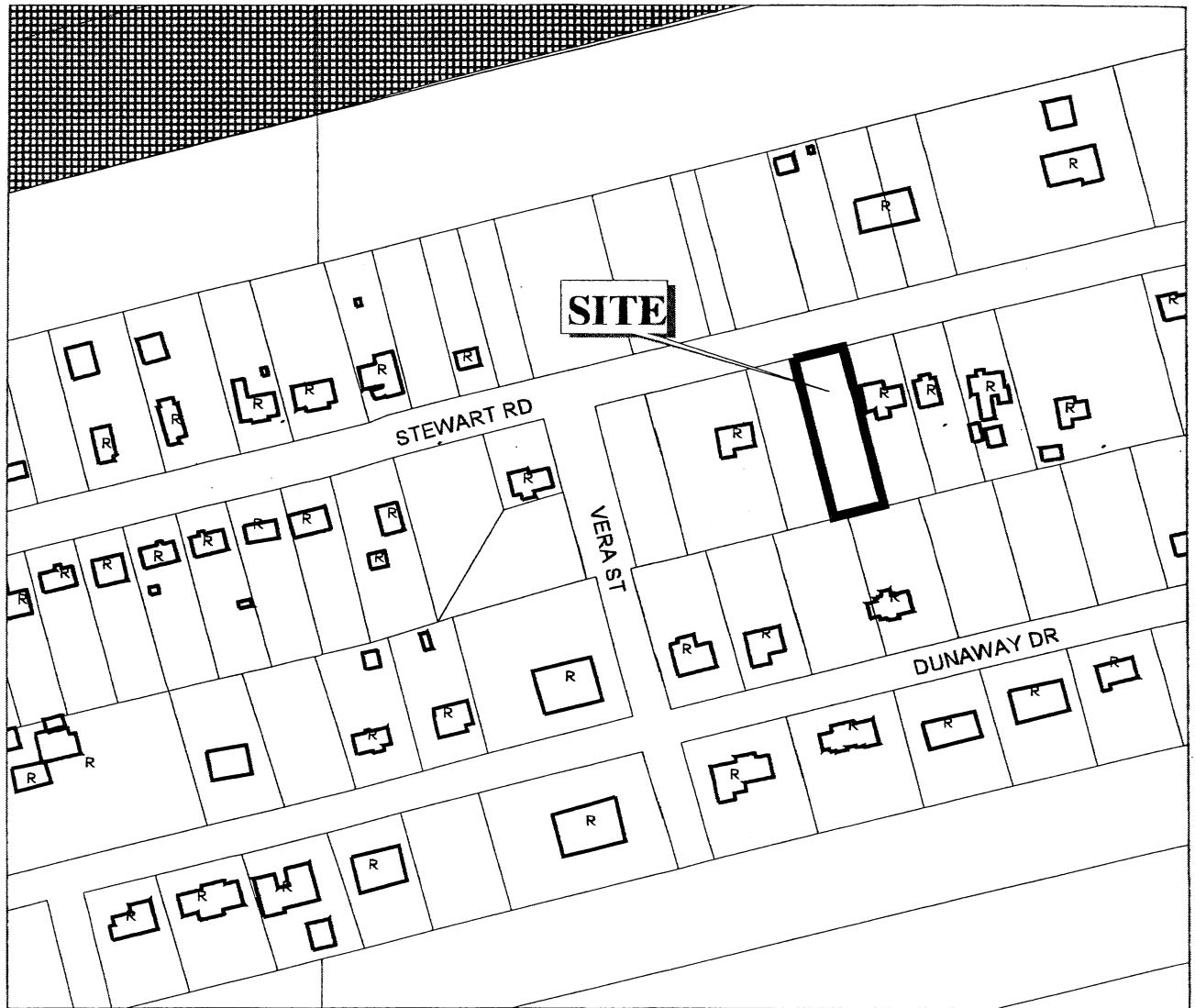
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to relocate an existing dwelling to this location. Additionally, if the applicant would rotate the dwelling 90 degrees the dwelling would meet the setback requirements of the Zoning Ordinance.

**RECOMMENDATION 5085**

**Date: January 7, 2002**

Based on the preceding, it is recommended that this application be denied.

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



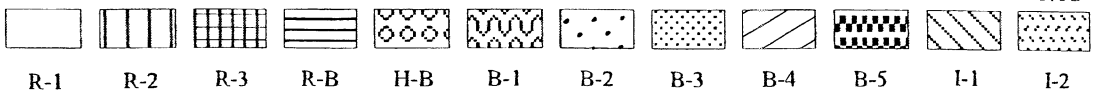
The subject is surrounded by single family residential units.

APPLICATION NUMBER 5085 DATE January 7, 2002

APPLICANT Consumer Mortgage Co., Inc

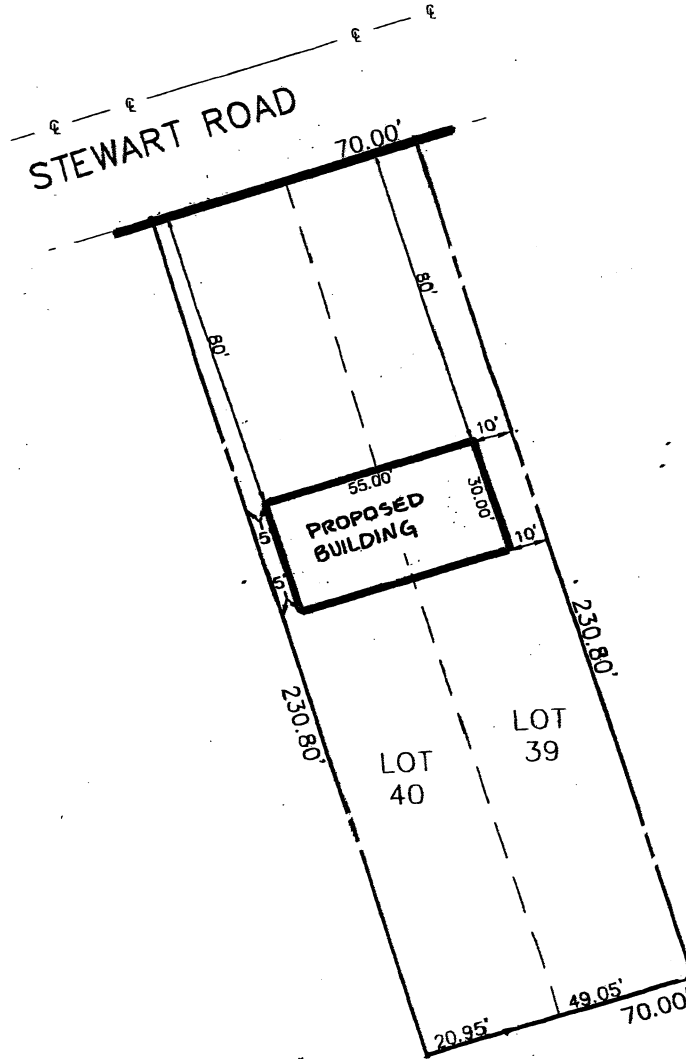
REQUEST Site Variance

LEGEND



NTS

# SITE PLAN



The site is located on the South side of Stewart Road, 210' East of Vera Street. The plan illustrates the proposed building.

APPLICATION NUMBER 5085 DATE January 7, 2002  
 APPLICANT Consumer Mortgage Company, Inc.  
 USE/REQUEST Side Yard and Total Combined Side Yard Setback Variance



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