

APPLICATION NUMBER

**5097**

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE  
CONSTRUCTION OF A GARAGE/STORAGE ROOM ON  
THE WEST PROPERTY LINE; AN 8' SIDE YARD  
SETBACK IS REQUIRED IN A R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT.**

LOCATED AT

**5512 TOPANGA DRIVE**

(North side of Topanga Drive, 230' ± East of Andover Boulevard)

APPLICANT

**JOHNNIE & BIRDIE M. IRBY, JR.**

**BOARD OF ZONING ADJUSTMENT**

MARCH/2002

The applicant is requesting a Side Yard Setback Variance to allow the construction of a garage/storage room on the west property line; an 8' side yard setback is required in a R-1, Single-Family Residential District.

The applicant states that when he was constructing the covered garage/storage room, he thought he was in compliance with the 8' setback off of the property line and did not build the shed with the intention of violating the Zoning Ordinance.

In addition, the applicant was unaware of the permitting process as far as inspection services were concerned. The garage/storage room was almost complete when he called for an inspection. At that time, he was notified that he was in violation of the side yard setback.

Also, the applicant states that he has had back surgery twice and that he is on disability. The applicant feels like that with the garage/storage room next to his house that it would maybe prevent him or another person from having an accident.

When the applicant obtained a building permit for the garage/storage room, it was permitted to be 8 feet from the side yard property line. The Zoning Ordinance states that with a lot width of 80', the minimum side yard setback is 8'.

It is the applicant's responsibility to be sure that when obtaining a building permit, that they construct the building at the setbacks they are approved for.

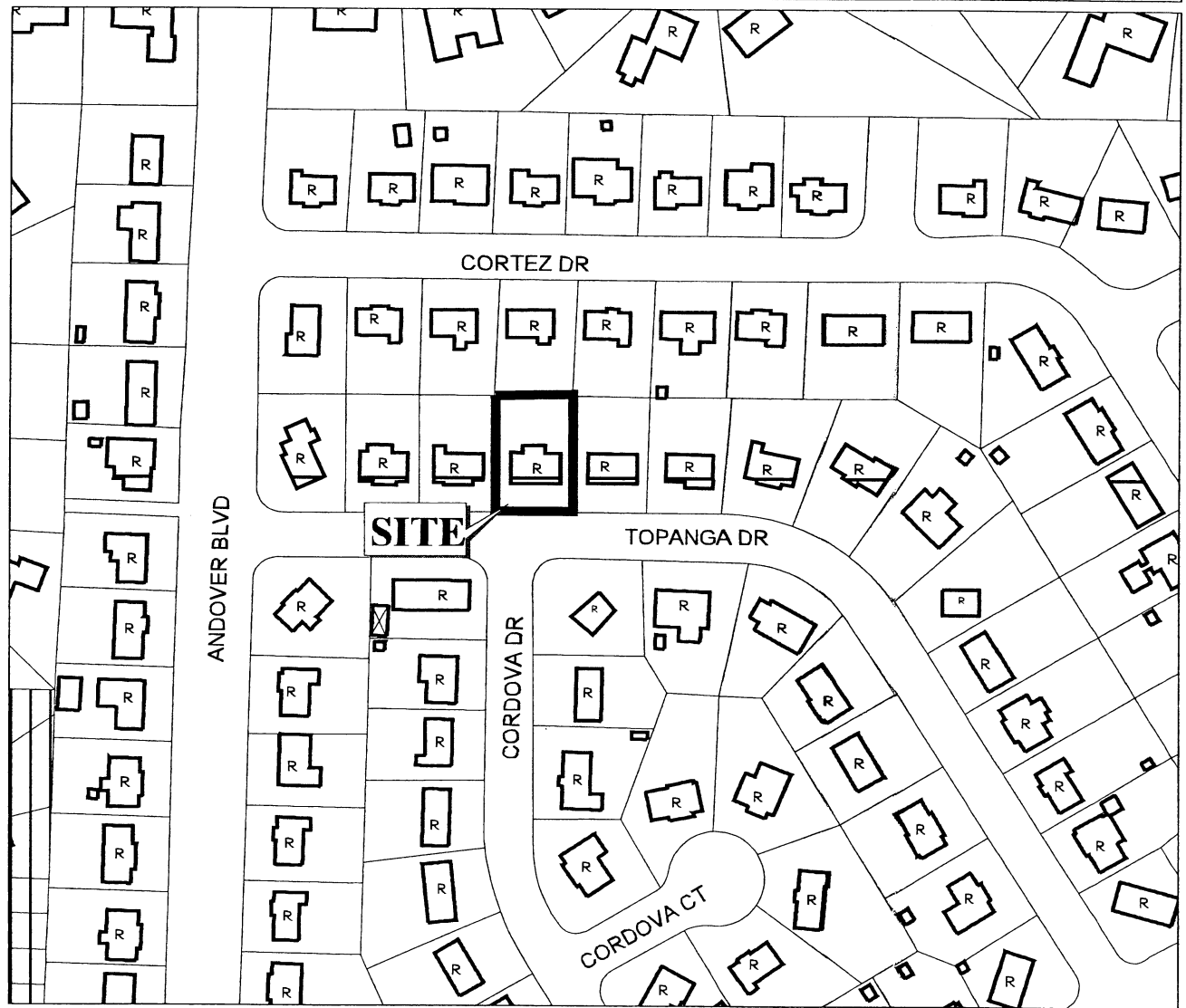
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

**RECOMMENDATION 5097**

**Date: March 4, 2002**

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

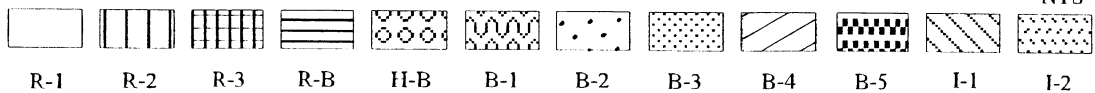
# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



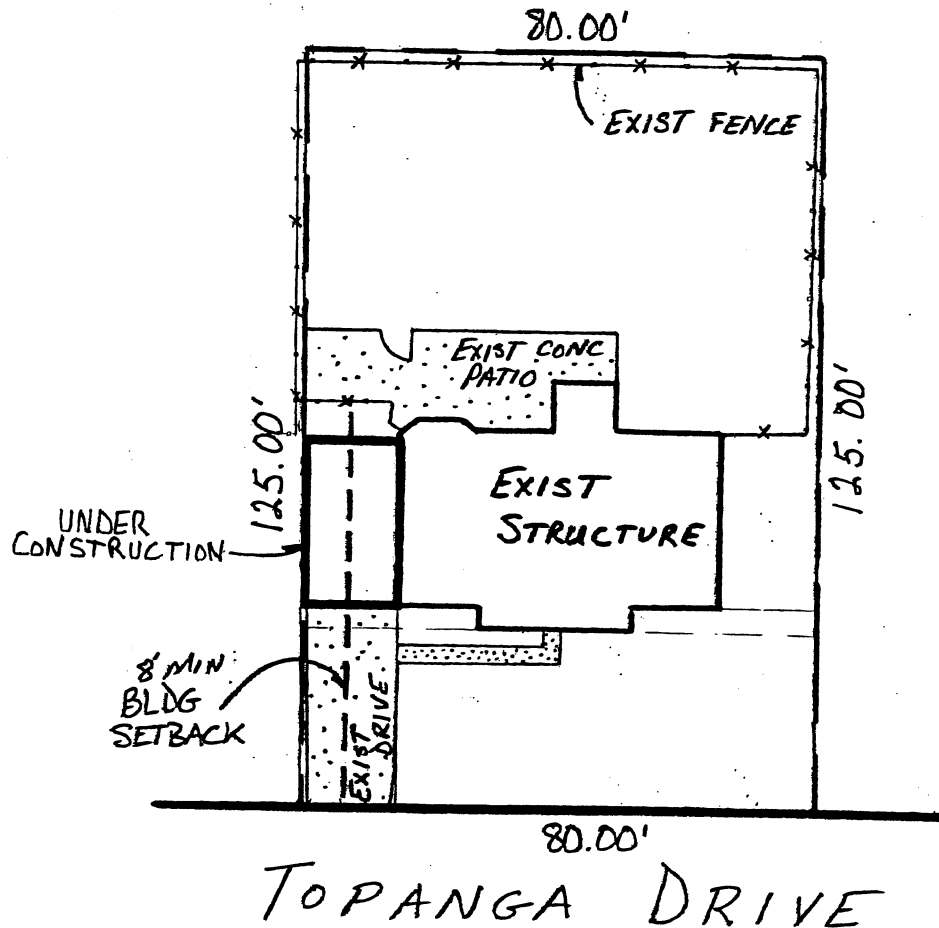
The site is surrounded by single family residential dwellings.

APPLICATION NUMBER 5097 DATE March 4, 2002  
 APPLICANT Johnnie & Birdie M. Irby, Jr.  
 REQUEST Sideyard setback variance

## LEGEND



## SITE PLAN



The site is on the north side of Topanga Drive, 230' east of Andover Boulevard.  
The site plan illustrates the existing structure and drive.

APPLICATION NUMBER 5097 DATE March 4, 2002  
 APPLICANT Johnnie & Birdie M. Irby, Jr.  
 USE/REQUEST Sideyard setback variance



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