

APPLICATION NUMBER

5100

A REQUEST FOR

**FRONT YARD AND SIDE YARD VARIANCES TO ALLOW
AN 18.2' X 20.1' CARPORT WITHIN 2.3' OF THE FRONT
PROPERTY LINE AND WITHIN 1.4' FROM A SIDE
PROPERTY LINE; A MINIMUM 25' FRONT YARD
SETBACK AND 5.7' SIDE YARD SETBACK ARE
REQUIRED ON A 40' WIDE LOT IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

1554 FORREST AVENUE

(North side of Forrest Avenue, 65' ± East of Stewart Avenue)

APPLICANT/OWNER

JAMES & MARGARET DIXON

BOARD OF ZONING ADJUSTMENT

MARCH 2002

The applicant is requesting Front Yard and Side Yard Variances to allow the construction of an 18.2' x 20.1' carport within 2.3' of the front property line and within 1.4' from the East side property line; a minimum 25' front yard setback and 5.7' side yard setback are required on a 40' wide lot in an R-1, Single-Family Residential District.

The applicant states the proposed structure is needed to prevent deterioration of the exterior surfaces from their vehicles and that there is inadequate room to locate a structure in front of the dwelling and to be in compliance with the Zoning Ordinance.

In considering such applications, the Board has rarely granted front yard and 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 construct an 18.2' x 20.1' carport, which as proposed would be 2.3' from the front property line and 1.4' 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 construct a carport within 2.3' of the front property line and 1.4' within the East (side) property line. Additionally, if the applicant would consider constructing the same size carport in the rear of the existing dwelling, the carport would meet the setback requirements of the Zoning Ordinance.

RECOMMENDATION 5100**Date: March 4, 2002**

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site has single family residential dwellings to the North and West.
Multiple family residential dwellings are to the East and a lounge is to the South.

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APPLICANT James & Margaret Dixon
REQUEST Frontyard and sideyard variances

LEGEND



R-1



R-2



R-3



R-B



H-B



B-1



B-2



B-3



B-4



B-5



I-1

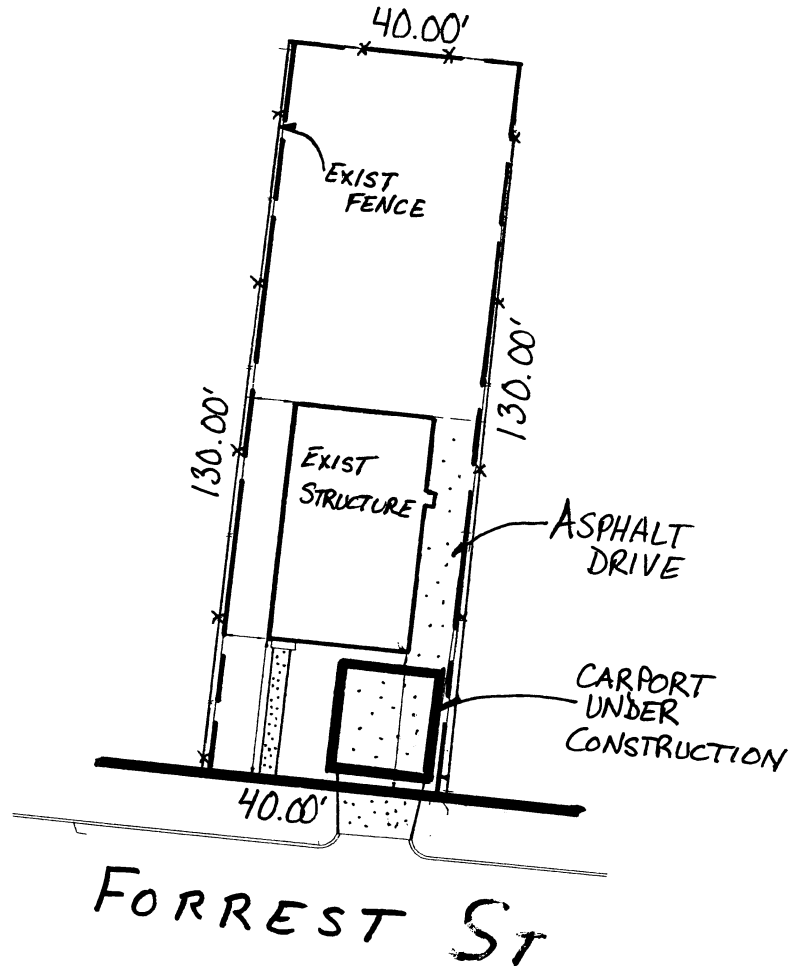


I-2



NTS

SITE PLAN



The site is located on the north side of Forrest Avenue, 65' east of Stewart Avenue.
The site plan illustrates the existing structure and the carport under construction.

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USE/REQUEST Frontyard and sideyard variances



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