

APPLICATION NUMBER

**5128**

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE  
CONSTRUCTION OF A DECK AND A  
BEDROOM/LAUNDRY ROOM ADDITION 6.9' FROM A  
SIDE PROPERTY LINE; AN 8' MINIMUM SIDE YARD  
SETBACK IS REQUIRED IN AN R-1, SINGLE FAMILY  
DISTRICT**

LOCATED AT

**2560 CRESCENT DRIVE NORTH**

(North side of Crescent Drive North, 60' ± East of Crescent Drive West)

APPLICANT

**JOEY & REBECCA PILGRIM**

**BOARD OF ZONING ADJUSTMENT**

AUGUST 2002

The applicant is requesting a Side Yard Setback Variance to allow the construction of a deck and bedroom/laundry room addition 6.9' from a side property line; an 8' minimum side yard setback is required in an R-1, Single-Family Residential District.

The applicant states that the new addition would be "in-line" with the existing house; they would like to preserve several large oak trees next to the house, and that they would like to avoid a hodge-podge of additions.

The applicant purchased a building permit for the addition (that met the required setbacks) and then requested a consultation prior to construction. At that time, the inspector informed the applicant that the new addition would not meet the required setbacks; hence this application.

After reviewing the site plan, the proposed addition would be wider than the existing house by approximately five feet. If the applicant is concerned about keeping the addition "in-line" with the existing structure, the new addition would be "in-line" along the east side. The applicant could adjust the addition along the West side by one foot three inches and build a larger addition to the East to meet the minimum setbacks. The width of the lot where the construction would take place is 60'.

In addition to the bedroom/laundry room, the applicant is proposing to construct a deck onto the rear of the house. At this time, the applicant does not know at what height the deck will be constructed. If the deck is three feet or taller, it would be considered a structure and thus be required to meet the minimum setbacks. Typically in these areas fronting Dog River, the grade slopes severely toward the water. The applicant would like to include the proposed deck in the variance in case the deck is over three feet tall and does not meet the minimum setbacks.

The applicant states that there are several large oak trees next to the house but these were not shown on the site plan.

The garage is a legal non-conforming structure and thus a variance is not needed.

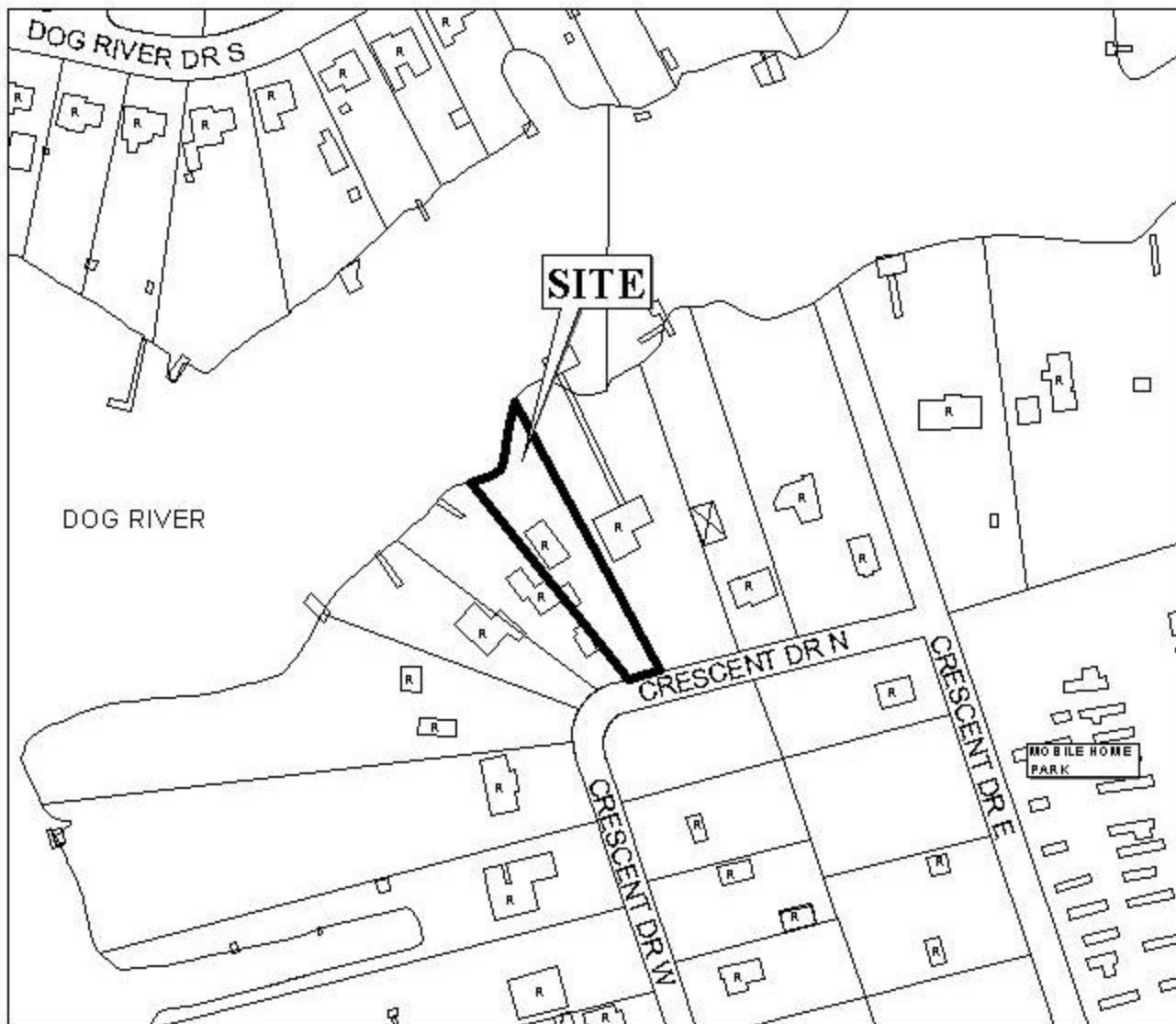
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 bedroom/laundry room within six feet nine inches of the property line. Additionally, if the applicant would consider moving the addition over one foot three inches, the bedroom/laundry room would meet the required setbacks of the Zoning Ordinance.

**RECOMMENDATION 5128****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 dwellings.

APPLICATION NUMBER 5128 DATE August 5, 2002

APPLICANT Joey and Rebecca Pilgrim

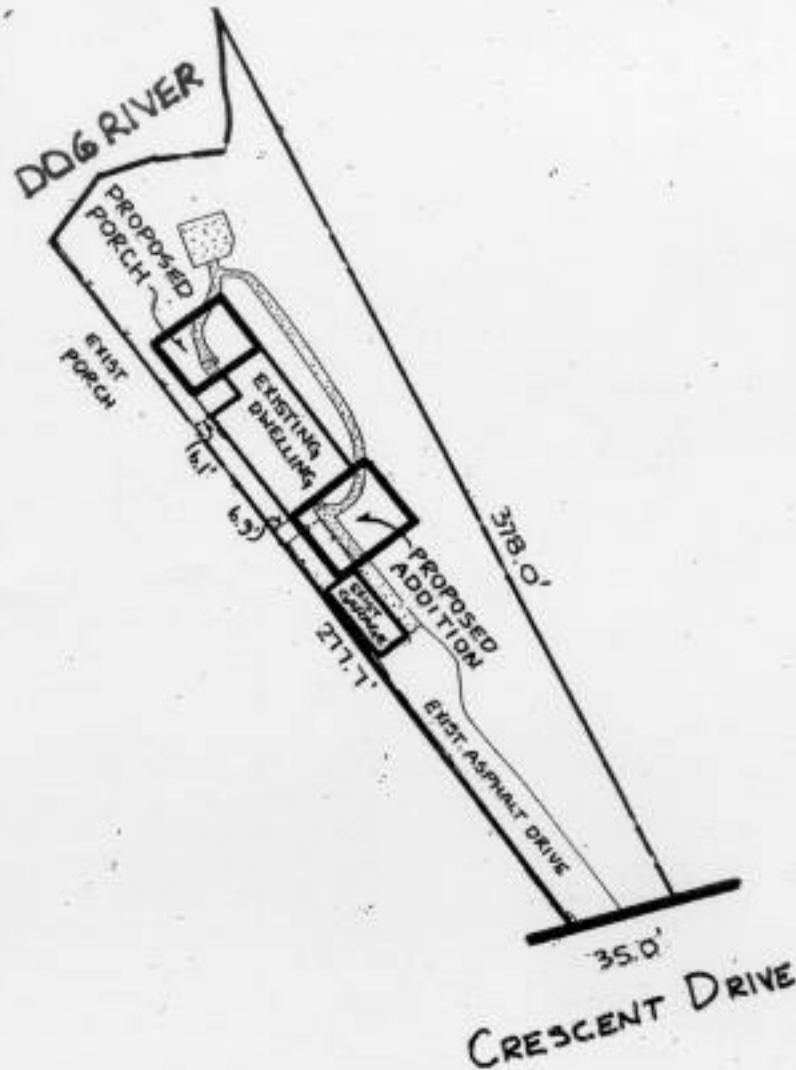
REQUEST Side Yard Setback Variance

LEGEND

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

NTS

## SITE PLAN



The site is located on the North side of Crescent Drive North, 60' East of Crescent Drive West. The plan illustrates the existing structures and drive, along with the proposed addition and porch.

APPLICATION NUMBER 5128 DATE August 5, 2002  
 APPLICANT Joey and Rebecca Pilgrim  
 USE/REQUEST Side Yard Setback Variance

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 N.T.S.