

APPLICATION NUMBER

5148

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE
CONSTRUCTION OF AN 18' X 18' CARPORT WITHIN
ONE FOOT OF THE SIDE PROPERTY LINE; A MINIMUM
SIDE YARD SETBACK OF 8' IS REQUIRED IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

1105 SAVANNAH STREET

(South side of Savannah Street, 76' ± West of George Street)

APPLICANT

GEORGE R. SINCLAIR

BOARD OF ZONING ADJUSTMENT

DECEMBER 2002

The applicant is requesting a Side Yard Setback Variance to allow the construction of an 18' x 18' carport within one foot of the side property line; a minimum side yard setback of 8' is required in an R-1, Single-Family Residential District.

The applicant states that the proposed carport will be located on an existing concrete slab where the original carport was constructed, and that the open design of the carport will lessen the visual bulk of the carport while maintaining the urban rhythm of the streetscape.

While the Board has been sympathetic to the unique nature of development in historic districts, the Board has typically required a minimum side yard setback of five feet. The reason for this guideline is that the Zoning Ordinance does allow reduced setbacks for lots of substandard width; however, this lot is not of substandard width. This lot is approximately 16' wider than the minimum lot width that is required by today's standards.

The Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, allow adequate circulation of light and air, and impede the spread of fire. Based upon the width of the lot, the ordinance would require an 8' side yard setback. The applicant is requesting the garage be constructed one foot from the property line.

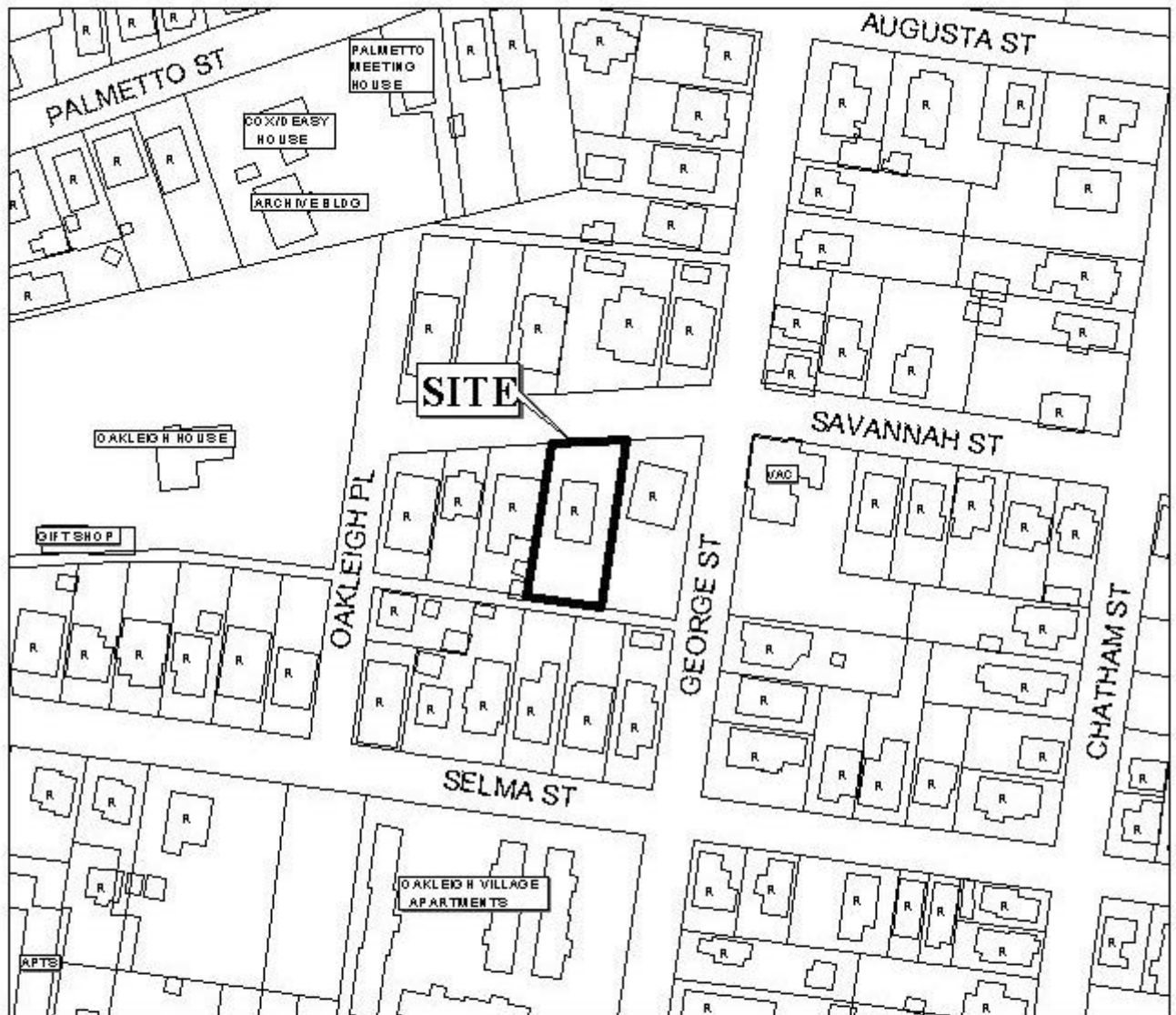
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to build one foot from the property line. Additionally, the applicant could shift the garage to comply with the setback requirements of the Zoning Ordinance.

RECOMMENDATION 5148**Date: December 2, 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. Historic homes are located to the west, a restaurant to the east and apartments to the south.

APPLICATION NUMBER 5148 DATE December 2, 2002
 APPLICANT George R. Sinclair
 REQUEST Side Yard Setback Variance

LEGEND

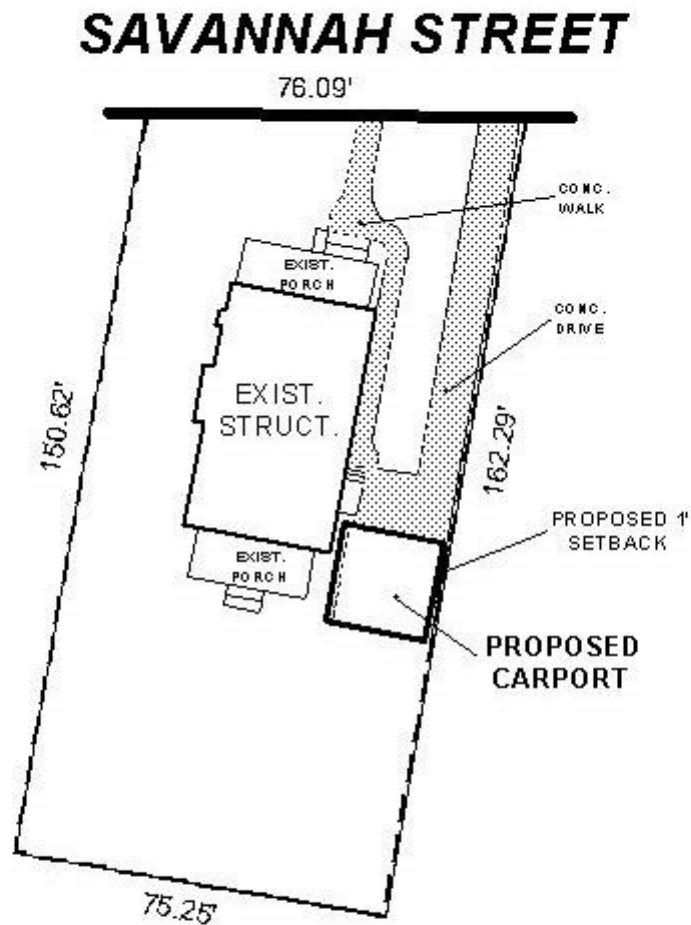


R-1 R-2 R-3 R-B H-B B-1 B-2 B-3 B-4 B-5 I-1 I-2



NTS

SITE PLAN



The site is located on the South Side of Savannah Street, 76' West of George Street.
The site plan illustrates the existing structure and proposed carport.

APPLICATION NUMBER 5148 DATE December 2, 2002
APPLICANT George R. Sinclair
USE/REQUEST Side Yard Setback Variance



NTS