

APPLICATION NUMBER

5191

A REQUEST FOR

**REAR YARD SETBACK VARIANCES TO ALLOW AN
EXISTING GARAGE 0.2' AND AN EXISTING SHED 6.1'
FROM THE REAR PROPERTY LINE; AN 8' MINIMUM
REAR YARD SETBACK IS REQUIRED FROM THE REAR
PROPERTY LINE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

1260 CARLETON ACRES WEST

(West side of Carleton Acres West, 164' ± South of Halls Mill Road)

APPLICANT

JIMBO BLANKENSHIP

BOARD OF ZONING ADJUSTMENT

AUGUST 2003

The applicant is requesting Rear Yard Setback Variances to allow an existing garage 0.2' and an existing shed 6.1' from the rear property line; an 8' minimum rear yard setback is required from the rear property line in an R-1, Single-Family Residential District.

The applicant simply states that he would like a variance for the buildings as shown on the survey.

The applicant recently submitted a subdivision application to subdivide two lots into three lots. The plat was modified to provide an adequate setback (8-feet) from the interior property line between Lots 2 and 3. The applicant is basically requesting the existing structures be allowed to remain, as is, setback 0.2 feet and 6.1 feet from the west property line. An eight-foot setback is required. If the variance were granted, the applicant would be allowed to rebuild the same size structures with the reduced setbacks.

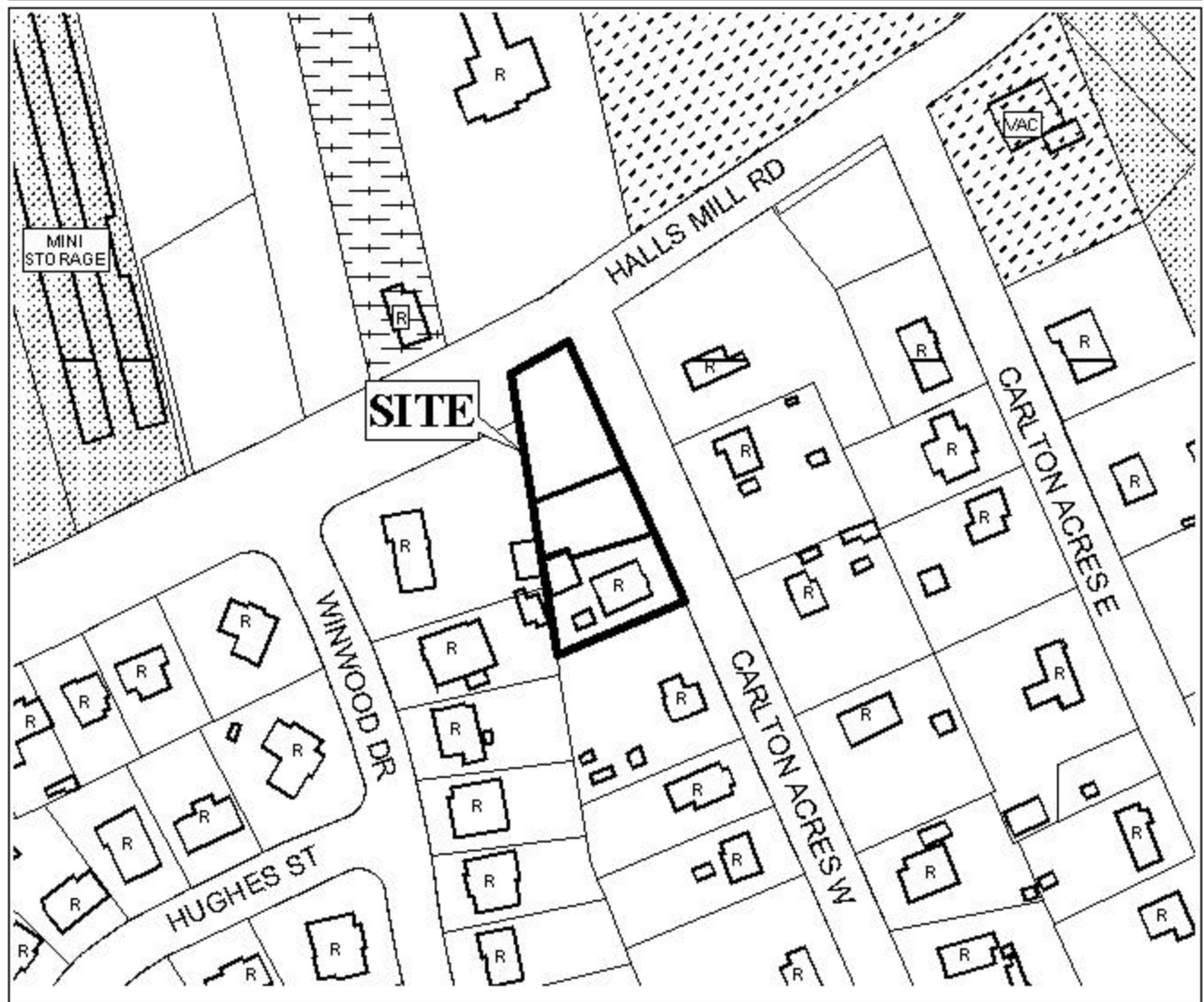
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 leave the structures as is and not meet the minimum setback requirements.

RECOMMENDATION 5191**Date: August 4, 2003**

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



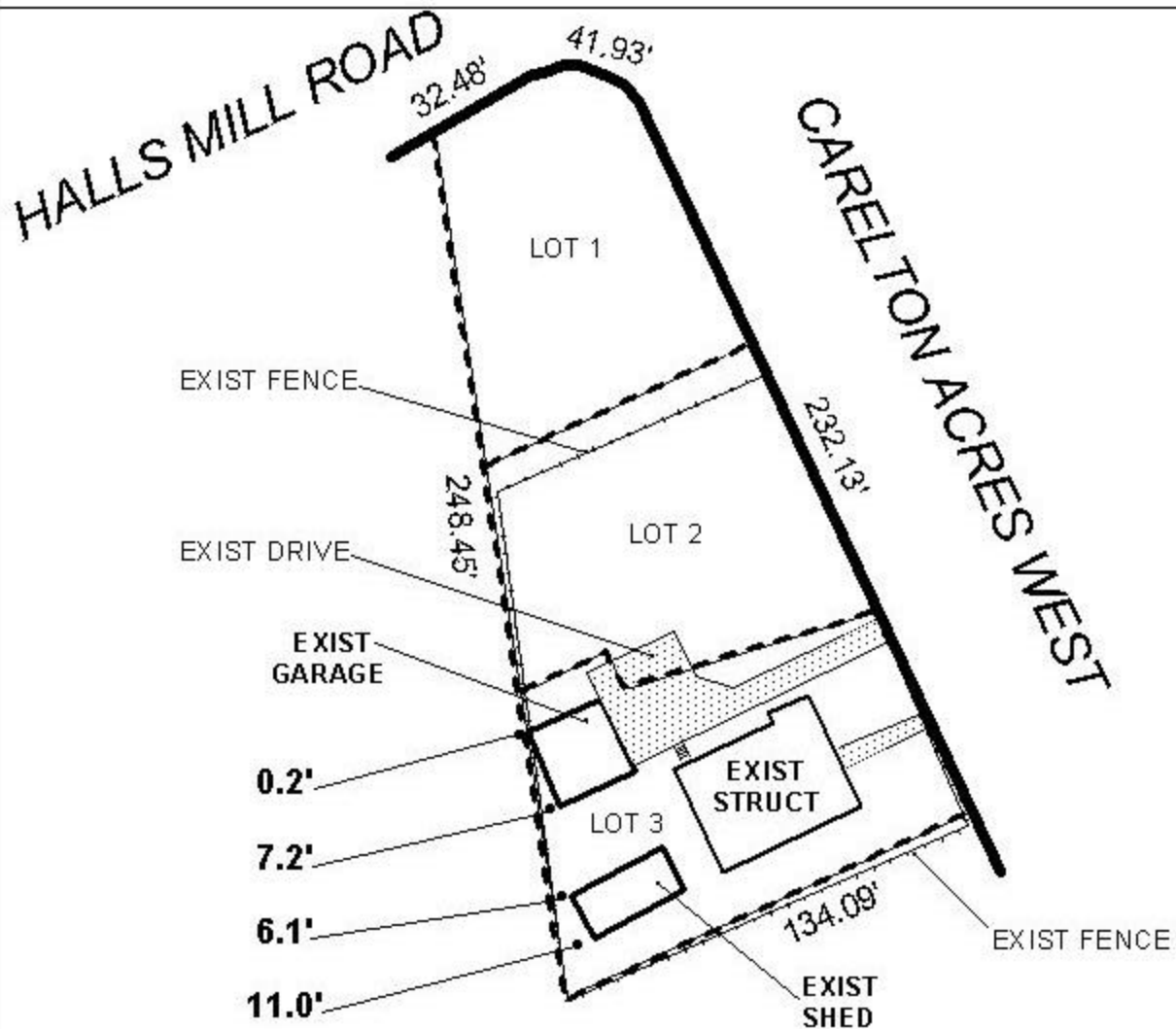
The site is surrounded by single-family residential dwellings.

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 APPLICANT Jimbo Blankenship
 REQUEST Rear Yard Setback Variances

LEGEND



SITE PLAN



The site is located on the West side of Carelton Acres West, 164' South of Halls Mill Road. The plan illustrates the existing structures, fence and drive.

APPLICATION NUMBER 5191 DATE August 4, 2003

APPLICANT Jimbo Blankenship

USE/REQUEST Rear Yard Setback Variances



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