

APPLICATION NUMBER

5202

A REQUEST FOR

**USE VARIANCE TO ALLOW A SECOND DWELLING
UNIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; ONLY ONE DWELLING UNIT IS ALLOWED
IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

(North terminus of River Road, 265' ± North of North Road)

APPLICANT

JOSEPH W. BACON

BOARD OF ZONING ADJUSTMENT

OCTOBER 2003

The applicant is requesting a Use Variance to allow a second dwelling unit in an R-1, Single-Family Residential District; only one dwelling unit is allowed in an R-1, Single-Family Residential District.

The applicant states that they want to convert a duplex garage apartment into a single-family dwelling unit. The applicant states that their children will use this garage apartment while they are in college.

The structure, which consists of two bedrooms and two kitchens, was located on the property when the applicant purchased the property over 18 years ago; however, it has become vacant for more than three years and thus it has lost its non-conforming status. The applicant now proposes a two bedroom, one kitchen residence. Based upon the plat submitted and the legal description, it appears that the garage apartment is located on a separate lot from the main residence. However, it appears that portions of two lots were deeded off, and not approved by the Planning Commission via the subdivision process. The Zoning Ordinance states that in an R-1, Single-Family Residential district, only one residence is allowed per lot.

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.

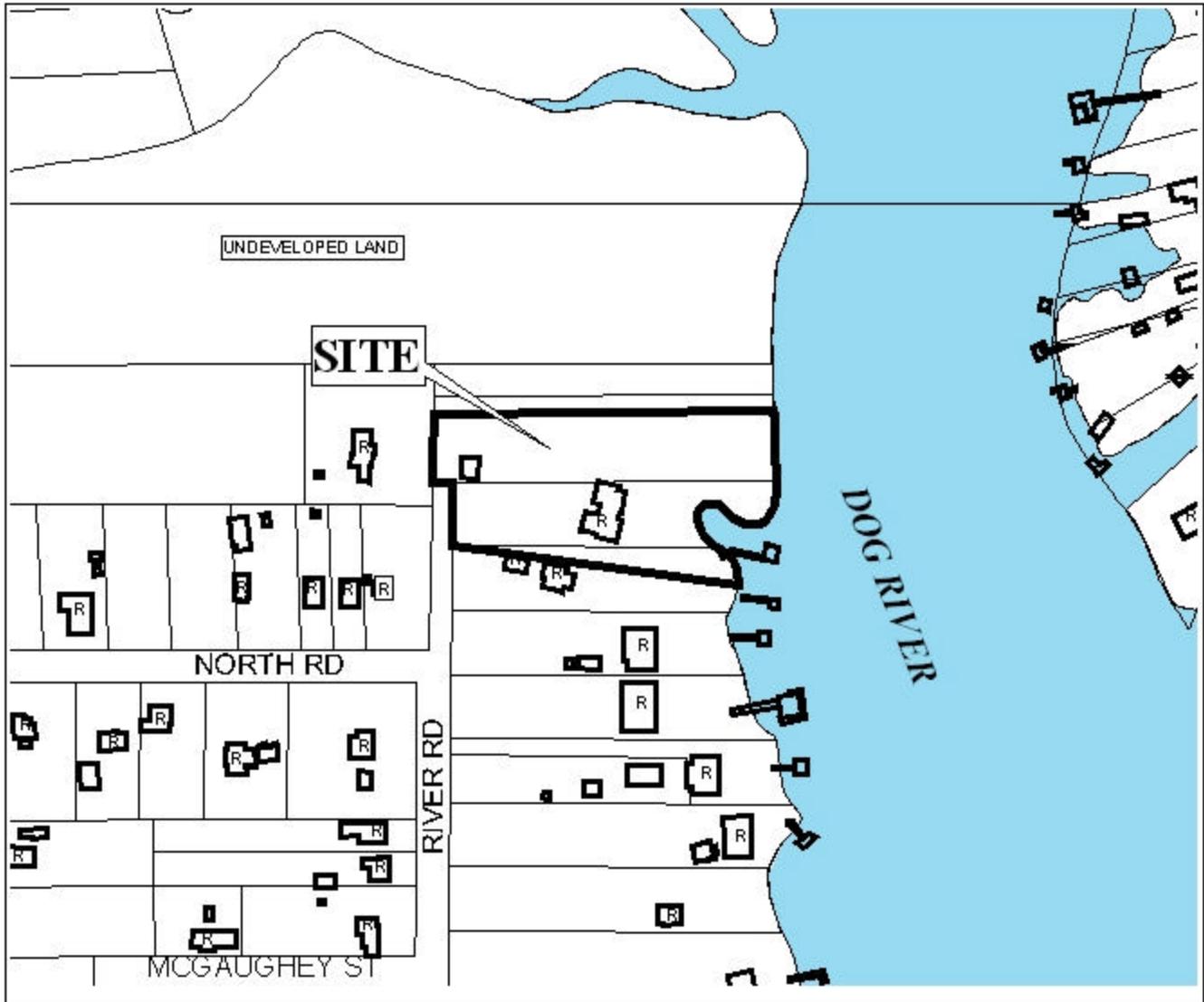
As the structure is existing, located on a separate lot, and is being converted from a duplex to a single-family residence; the approval of this application may not be contrary to public interest and special conditions may exist for the property.

RECOMMENDATION 5202

Date: October 6, 2003

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.
Undeveloped land is located to the north of the site.

APPLICATION NUMBER 5202 DATE October 6, 2003

APPLICANT Joseph W. Bacon

REQUEST Use Variance

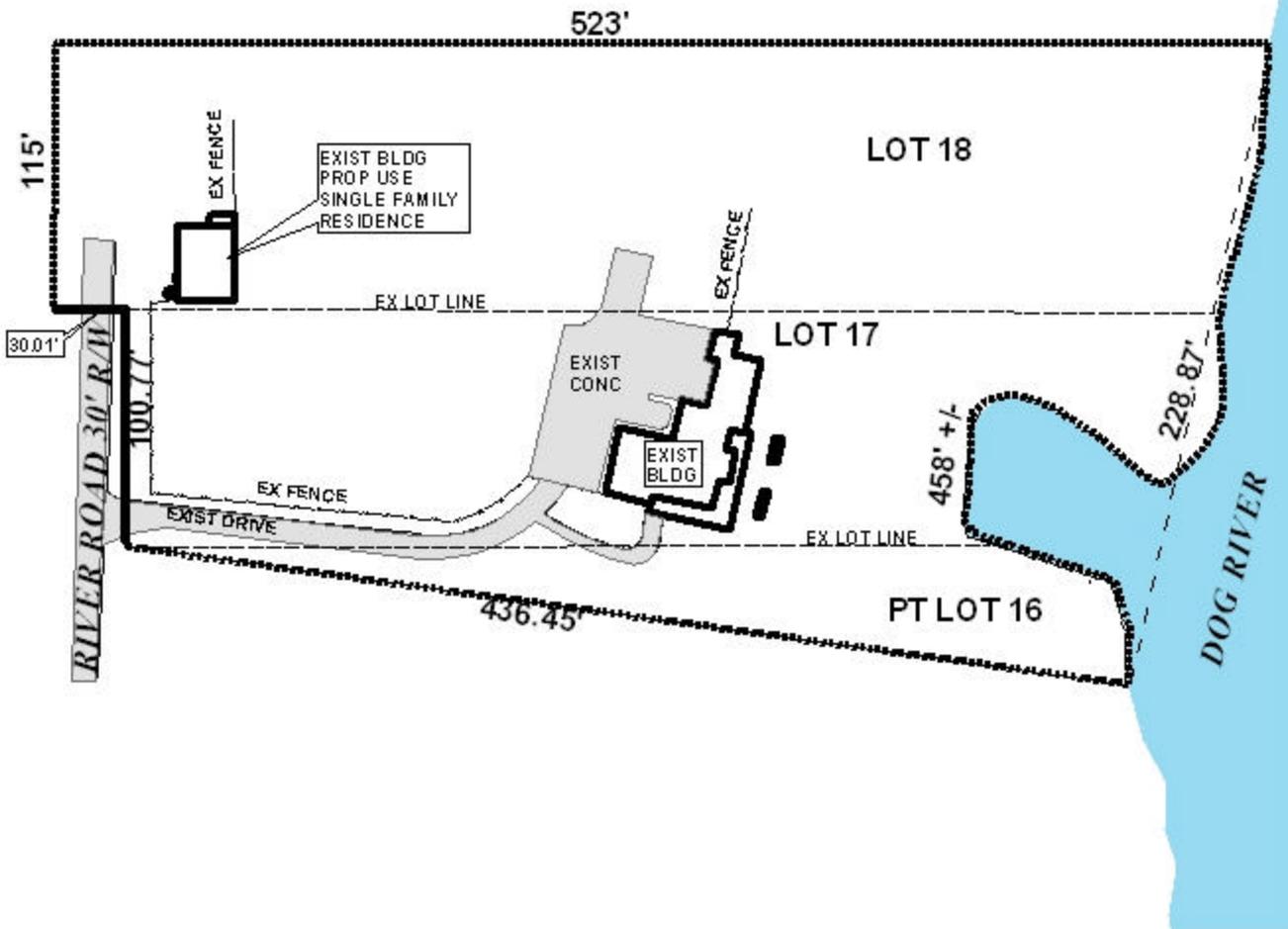
LEGEND

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



NTS

SITE PLAN



The site plan illustrates the existing buildings, drives, fencing, and lot lines.

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