

APPLICATION NUMBER

5206/5049

A REQUEST FOR

**SIDE YARD SETBACK AND COMBINED SIDE YARD
VARIANCES TO ALLOW A 12.5' X 20.9' ADDITION TO A
SINGLE-FAMILY RESIDENCE WITHIN 3' FROM THE
SOUTH SIDE LINE WITH A TOTAL COMBINED SIDE
YARD OF 18'; AN 8' MINIMUM SIDE YARD AND 20'
COMBINED SIDE YARD SETBACK IS REQUIRED FOR A
LOT OVER 60' WIDE**

LOCATED AT

208 LEVERT AVENUE

(East side of Levert Avenue, 220'± South of Spring Hill Avenue)

OWNER/APPLICANT

MIKE & ROXANNE WINDOM

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2003

The applicant is requesting Side Yard Setback and Combined Side Yard Variances to allow a 12.5' x 20.9' addition to a Single-Family Residence within 3' from the South side property line with a total combined side yard of 18'; an 8' minimum side yard and 20' combined side yard total setback is required for a lot over 60' wide.

The applicant states that the purpose of these variances is to allow the addition of a full bathroom that encroaches within the side yard setback along the south side of the lot. The proposed addition will be "in-line" with the existing dwelling.

The site is located within the Ashland Place Historic District. The Board has considered the historic character of such areas in the past, typically allowing construction that was "in-line" with the existing development as long as a setback of approximately 5' was maintained.

This application is a resubmission of a previously approved application, the Board originally approved the Side Yard Setback and Combined Side Variances at the July 11, 2001 meeting. The applicant did not realize that the variances approved by the Board would expire within six months of the approval, thus the previous variance has expired. The proposed site plan illustrates that the construction would be the same as the previously approved variances in July 2001.

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.

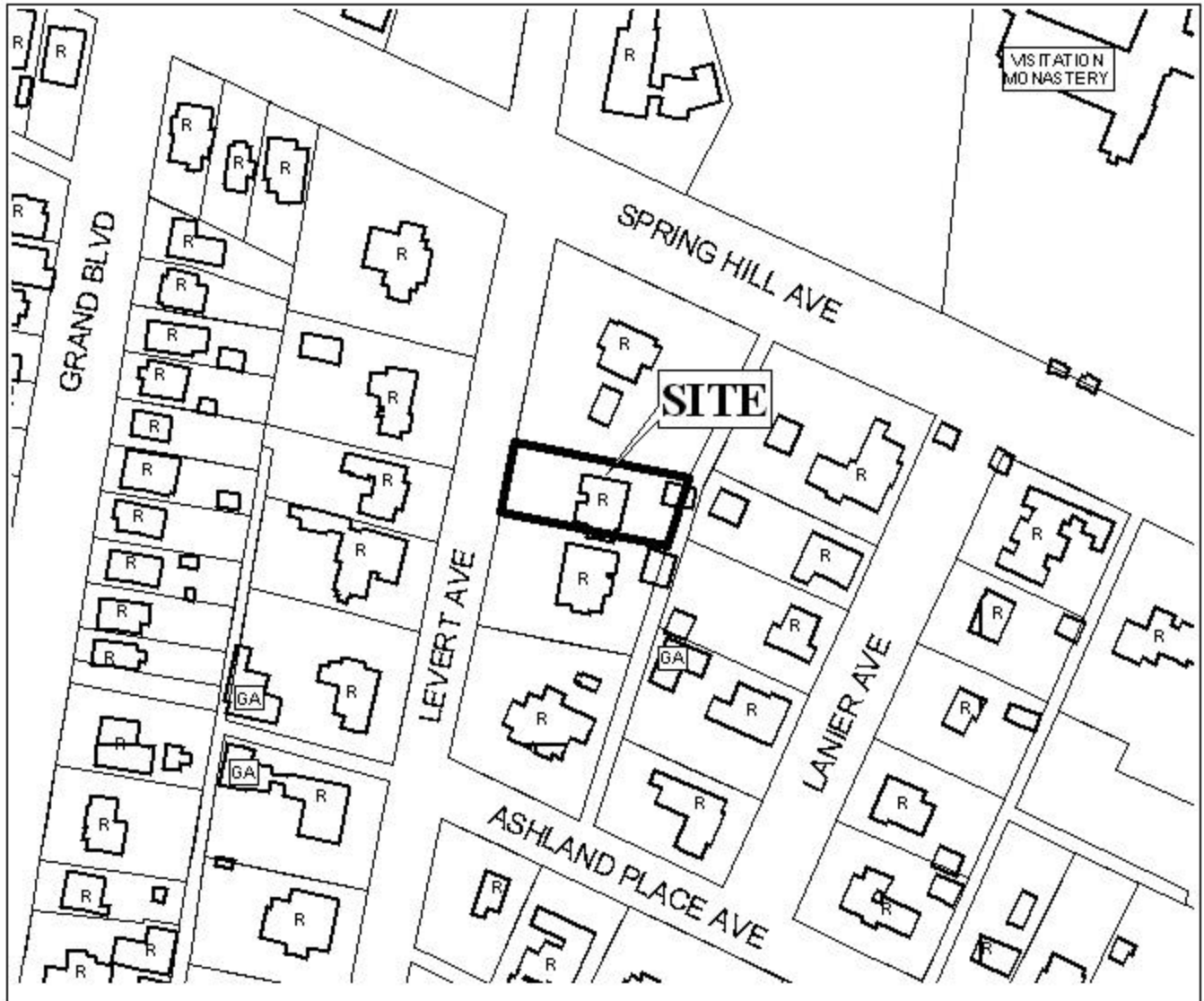
There have been no changes in conditions in the surrounding neighborhood or property that would affect the variance as previously approved; nor have there been changes to the Zoning Ordinance that would affect the previous approval.

RECOMMENDATION 5206/5049

Date: November 3, 2003

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) approval by the Architectural Review Board.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

APPLICATION NUMBER 5206/5049 DATE November 3, 2003

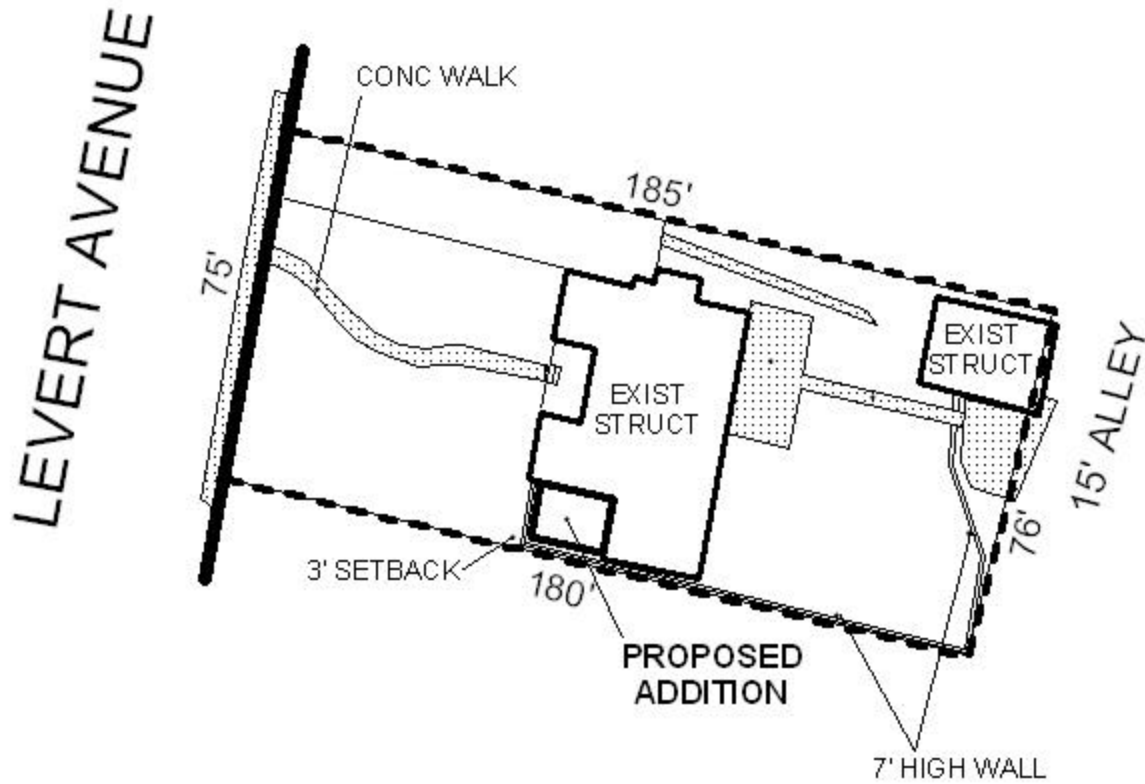
APPLICANT Michael P. Windom

REQUEST Side and Combined Side Yard Variances

LEGEND



SITE PLAN



The site is located on the East side of Levert Avenue, 220' South of Spring Hill Avenue.
The plan illustrates the existing buildings, along with the proposed addition.

APPLICATION NUMBER 5206/5049 DATE November 3, 2003
APPLICANT Michael P. Windom
REQUEST Side and Combined Side Yard Variances

