

APPLICATION NUMBER

5208

A REQUEST FOR

**REAR YARD SETBACK VARIANCE TO ALLOW THE
ADDITION OF A 24' X 24' DOUBLE-CAR GARAGE 5'
FROM THE REAR (SOUTH) PROPERTY LINE; A
MINIMUM REAR YARD SETBACK OF 8' IS REQUIRED
IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

1417 BROWN STREET

(South side of Brown Street, 50' ± East of Lafayette Street)

APPLICANT/OWNER

LARRY T. MCKINSTRY

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2003

The applicant is requesting a Rear Yard Setback Variance to allow the addition of a 24' x 24' double-car garage 5' from the rear (South) property line; a minimum rear yard setback of 8' is required in an R-1, Single-Family Residential District.

The applicant proposes a 24' x 24' double-car garage with a roof garden constructed above the garage. The double-car garage will be enclosed, with a stairway leading to the roof garden above. The proposed construction will be within 5-foot of the rear (South) property.

Three of the primary concerns relating to side and rear yard setbacks are the potential for the spread of fire from one property to another, water run-off onto adjacent properties, and the ability to properly maintain the proposed structure. Other concerns relate to privacy and adequate circulation of light and air.

In considering such applications, the Board has rarely granted side or rear yard setback variances for less than 5 feet. The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. This site is located in the Old Dauphin Way Historic District. A point to consider is that the addition could easily be configured to comply with all setbacks by simply downsizing the addition.

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.

RECOMMENDATION 5208**Date: November 3, 2003**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) the approval of the Architectural Review Board prior to the issuance of any permits.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single and multi-family residential units. A fire station is located to the south of the site.

APPLICATION NUMBER 5208 DATE November 3, 2003

APPLICANT Larry T. McKinstry

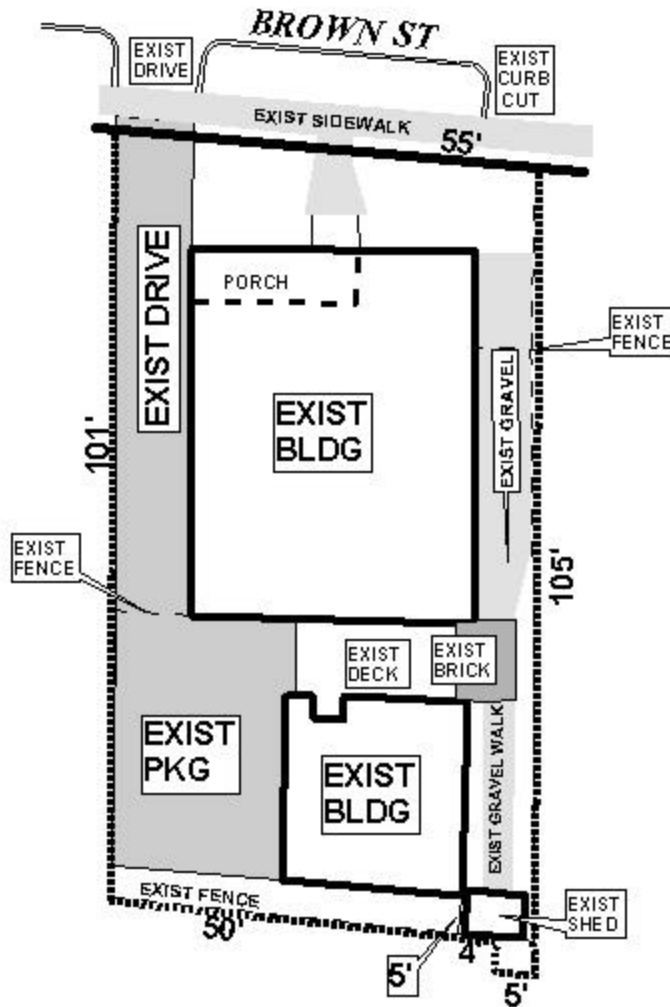
REQUEST Rear Yard Setback Variance

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SITE PLAN



South side of Brown Street, 50' East of S Lafayette St, the site plan illustrates the existing buildings, drives, fencing, and gravel along with the proposed rear yard setbacks.

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APPLICANT Larry T. McKinstry

REQUEST Rear Yard Setback Variance



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