

APPLICATION NUMBER

**5213**

A REQUEST FOR

**SIDE YARD, COMBINED SIDE YARD AND SITE  
COVERAGE VARIANCES TO ALLOW THE  
CONSTRUCTION OF A 10' X 24' (240 SQUARE FOOT)  
ADDITION WITHIN 1' OF THE (NORTH) SIDE  
PROPERTY LINE, TO ALLOW A COMBINED SIDE YARD  
TOTAL OF 9' AND TO ALLOW 53% SITE COVERAGE; A  
MINIMUM SIDE YARD SETBACK OF 5', AN 11'4"  
COMBINED SIDE YARD TOTAL AND A MAXIMUM SITE  
COVERAGE OF 35% IS REQUIRED FOR A 34' WIDE LOT  
IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

**260 MARINE STREET**

(West side of Marine Street, 90'± North of Augusta Street)

APPLICANT/OWNER

**OAKLEIGH VENTURE REVOLVING FUND**

AGENT

**DOUGLAS B. KEARLEY**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2003

The applicant is requesting Side Yard, Combined Side Yard and Site Coverage Variances to allow the construction of a 10' x 24' (240 Square foot) addition within 1' of the (North) side property line, to allow a combined side yard total of 9' and to allow 53% site coverage; a minimum side yard setback of 5', an 11'4" combined side yard total and a maximum site coverage of 35% is required for a 34' wide lot in an R-1, single-Family Residential District.

The applicant states that the purpose of these variances is to allow an approximately 240 square foot addition to the rear of the existing dwelling that would encroach within the side yard setback along the (North) side property line, encroach into the combined side yard total setback, and exceed the maximum 35% site coverage. However, the proposed addition will be "in-line" with the existing dwelling.

The applicant goes on to say that the addition consists of a den and rear covered porch, and that the proposed addition would be in line with the existing residence. Currently, the residence is not accommodating for and the additional room would maximize the house and make it more comfortable to live in.

The proposed addition would maintain the residential character of the neighborhood and the Board has been mindful of the unique character of older areas when considering site variance applications. It should be noted that the Board has been sympathetic in granting variances in the older urban areas of the city, especially when the addition is "in-line" with the existing structure.

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.

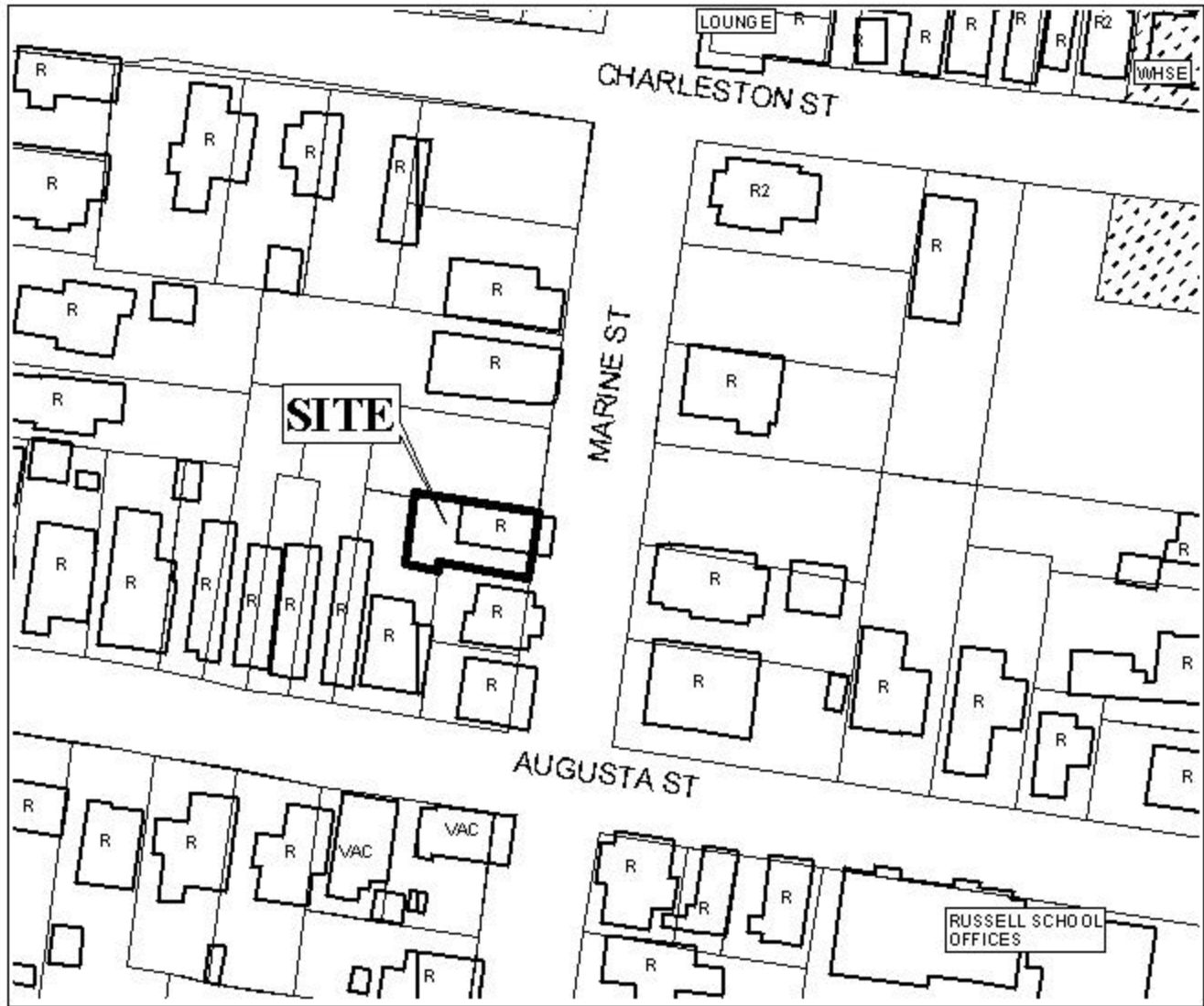
As illustrated on the Site Plan, the proposed addition would be "in-line" with the existing dwelling. However, with the proposed addition approximately 1 to 1.5-foot from the property line the applicant would have to build the addition according to the International Residential Building Code.

**RECOMMENDATION 5213****Date: November 3, 2003**

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Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the approval of the Architectural Review Board prior to the issuance of any permits; and 2) full compliance with all codes and ordinances.

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single and multiple family residential dwellings.

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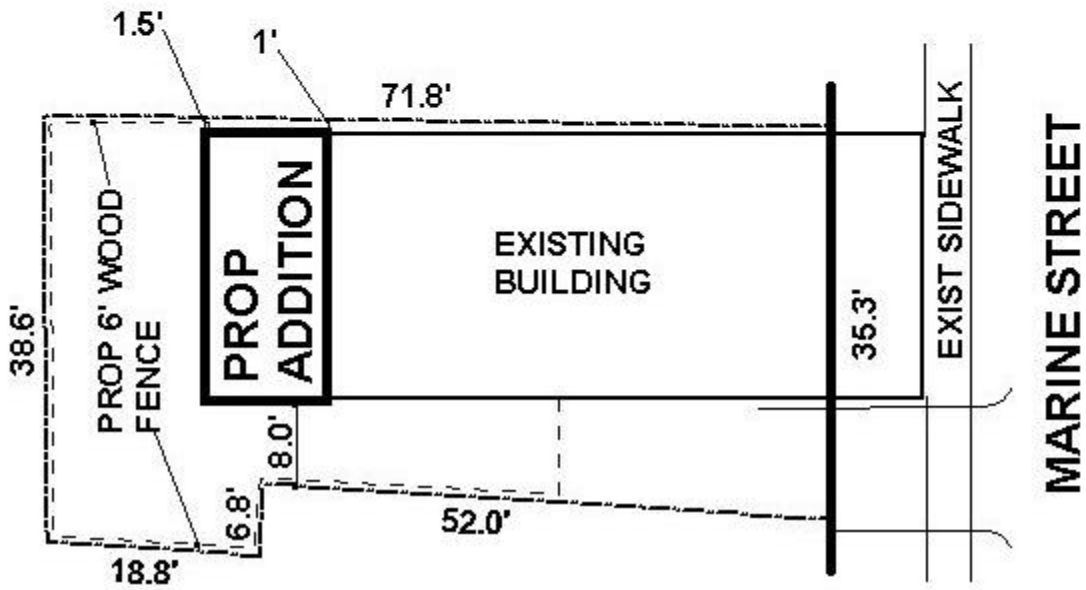
APPLICANT Oakleigh Venture Revolving Fund

REQUEST Parking Ratio, Parking Surface, Access/Maneuvering Variances

LEGEND



# SITE PLAN



The site is located on the West side of Marine Street, 90' North of Augusta Street. The plan illustrates the existing building, along with the proposed drive and fence.

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APPLICANT Oakleigh Venture Revolving Fund  
USE/REQUEST Parking Ratio, Parking Surface, Access/Maneuvering Variances



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