APPLICATION NUMBER

5245

A REQUEST FOR

SIDE YARD SETBACK VARIANCE TO ALLOW THE CONSTRUCTION OF AN 18’ X 20’ CARPORT 3.0’ FROM THE SIDE (EAST) PROPERTY LINE; A MINIMUM SIDE YARD SETBACK OF 8’ IS REQUIRED FOR A LOT THAT IS 60’ WIDE OR WIDER AT THE MINIMUM FRONT BUILDING SETBACK LINE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

LOCATED AT

1651 LAUREL STREET
(South side of Laurel Street, 81’+ East of Davitt Street)

APPLICANT

ROBERT M. THOMPSON

BOARD OF ZONING ADJUSTMENT
JUNE 2004
The applicant is requesting a Side Yard Setback Variance to allow the construction of an 18’ x 20’ carport 3.0’ from the side (East) property; a minimum side yard setback of 8’ is required for a lot that is 60’ wide or wider at the minimum front building setback line in an R-1, Single-Family Residential District.

The applicant wishes to construct a carport three feet from a side property line between the existing home and privacy fence. The proposed carport will have open sides with gutters and downspouts.

The applicant did not state as to why he could not meet the minimum setbacks as required by the Ordinance. As illustrated on the site plan, there is sufficient space for the structure to meet the minimum side yard setbacks. Based upon the width of the lot at the building setback line (62’ wide), the Ordinance would require an 8’ side yard setback. The Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, allow adequate circulation of light and air, and to impede the spread of fire and water run-off onto adjacent properties.

While the Board has been sympathetic to the unique character of development older areas when considering site variance applications, the Board has typically required a minimum side yard setback of five feet. The reason for this guideline is that the Zoning Ordinance does allow reduced setbacks for lots of substandard width; however, this lot is not of substandard width.

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 construct the structure in a location that does not comply with the minimum setback requirements.
Based upon the preceding, this application is recommended denial.
The site is surrounded by single-family residential units and apartments. A charity service is located to the north of the site. Retail establishments are located to the south of the site.
The site plan illustrates the proposed buildings, existing building, drives, and setbacks.

APPLICATION NUMBER 5245 DATE June 7, 2004
APPLICANT Robert M. Thompson
REQUEST Side Yard Setback Variance