

APPLICATION NUMBER

5263

A REQUEST FOR

**SIDE YARD AND TOTAL COMBINED SIDE YARD
SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF 11' X 20' ADDITION AND CARPORT
TO A RESIDENTIAL STRUCTURE WITHIN 2' OF A SIDE
PROPERTY LINE AND TO ALLOW A COMBINED SIDE
YARD TOTAL OF 8.6' IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES AN 8' MINIMUM SIDE YARD AND A TOTAL
COMBINED SIDE YARD OF 20' IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

6 ELIZABETH PLACE

(West side of Elizabeth Place, 175' ± South of Dauphin Street)

APPLICANT/OWNER

GLENDA AND BRIAND SABA

AGENT

DOUGLAS KEARLEY

BOARD OF ZONING ADJUSTMENT

September 2004

The applicant is requesting side yard and combined side yard total variances to allow the construction of a 11' x 20' addition and carport to a residential structure within 2' of a side property line and to allow a combined side yard total of 8.6' in an R-1, Single-Family Residential District. The Zoning Ordinance requires an 8' minimum side yard and a total combined side yard of 20' in an R-1, Single-Family Residential district.

The existing concrete slab has cracked and tested positive for toxic mold and the owners propose to remove the existing bed, bath and laundry rooms and rebuild these rooms on piers. As part of the new construction, a carport, built in-line with the existing structure would be located in front of the reconstructed rooms.

In this situation, the existing structure violates both the side yard and combined side yard total requirements of the Ordinance. Although not located in a historic district, the site is located on the western edge of the Midtown area where most of the development predates the current Zoning Ordinance. Consequently, many structures in this area do not comply with the setback requirements of the Ordinance. However, if this site were located within a historic district, since the proposed construction would be in-line with the existing structure, a variance would not be needed.

While the proposed carport would essentially increase the degree of nonconformity of the site, the site plan indicates that the existing dwelling prohibits a carport from being constructed on the South side of the dwelling. Moreover, to simply rebuild the existing nonconforming, bed, bath and laundry rooms would not require variance. Based upon the existing site development there is no place to locate a carport that would conform with setback requirements of the Ordinance. However, to minimize run-off onto the adjacent property to the North, the provision of gutters and downspouts should be required.

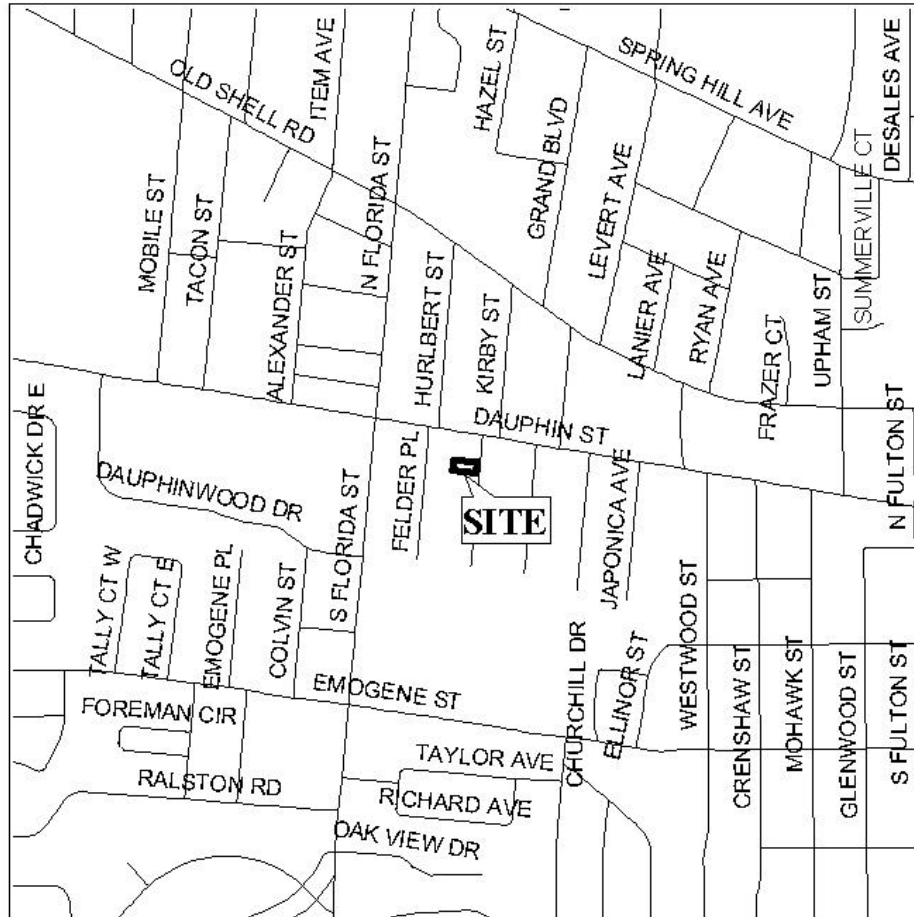
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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.

Based upon the existing site development, it appears there is hardship associated with locating a carport on the site that would comply with the setback requirements of the Ordinance. The placement of gutters and downspouts would minimize any potential negative impacts associated with the proposed new construction.

RECOMMENDATION 5263**Date: September 13, 2003**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) the placement of gutters and downspouts along the Northern roof edge.

LOCATOR MAP



APPLICATION NUMBER 5263 DATE September 13, 2004

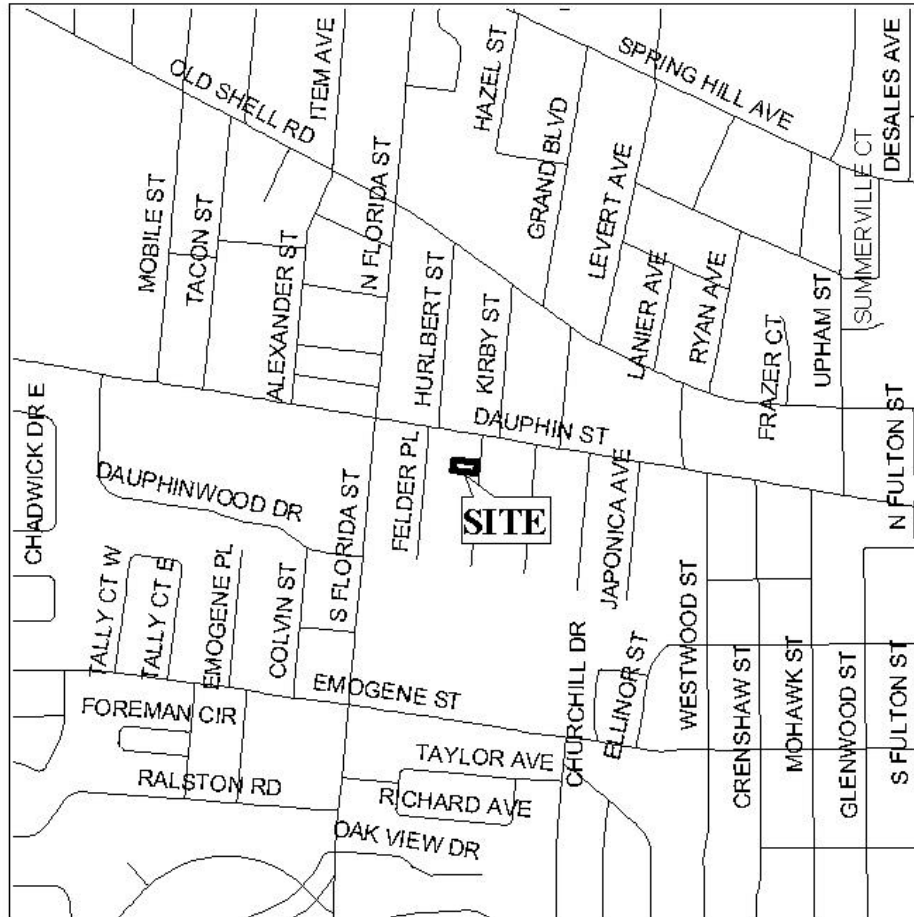
APPLICANT Glenda and Briand Saba (Douglas Kearly, Agent)

REQUEST Side Yard and Total Combined Side Yard Setback Variances



NTS

LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

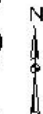
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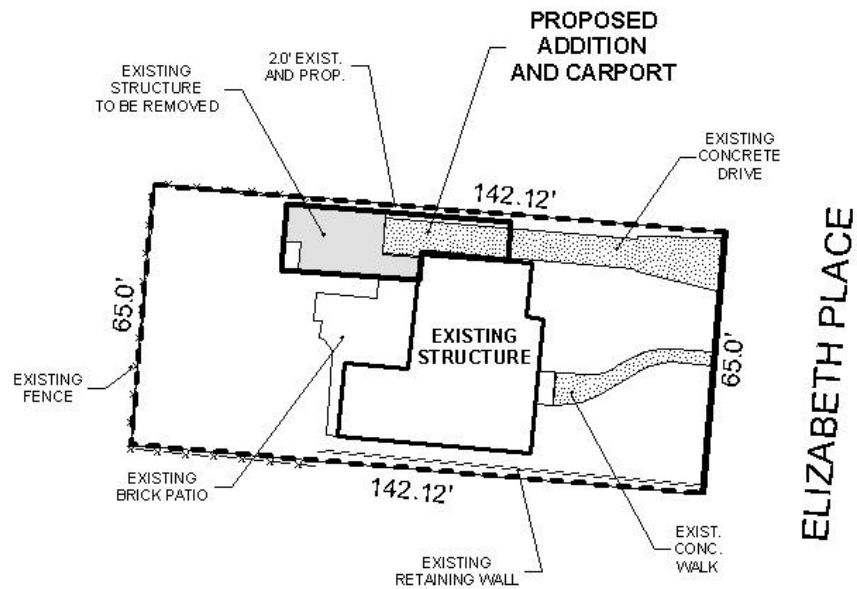
LEGEND

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



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SITE PLAN



The site is located on the West side of Elizabeth Place, 175' South of Dauphin Street.
The plan illustrates the existing and proposed structures.

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