

APPLICATION NUMBER

4701/5302/5360

A REQUEST FOR

**REAR YARD SETBACK VARIANCE TO ALLOW
CONSTRUCTION OF A TWO-STORY, 1,600 SQUARE
FOOT, DOUBLE GARAGE/PLAYROOM TO AN EXISTING
DWELLING 2' FROM THE REAR PROPERTY LINE; A
MINIMUM REAR YARD SETBACK OF 8' IS REQUIRED
IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

62 MARSTON LANE

(East side of Marston Lane, 155'± North of Oakland Avenue)

APPLICANT/OWNER

ALBERT & ANNE HAAS

AGENT

M. DON WILLIAMS, III

BOARD OF ZONING ADJUSTMENT

JULY 2006

The applicant is requesting a Rear Yard Setback Variance to allow construction of a two-story, 1,600 square foot, double garage/playroom to an existing dwelling 2' from the rear property line; a minimum rear yard setback of 8' is required in an R-1, Single-Family Residential District.

The applicant states that the proposed construction consists of a two-story, 800 square foot footprint, addition to an existing dwelling. The addition will consist of a two car garage/storage area downstairs and a playroom upstairs. The applicant states that the construction would be completed within six months.

It is the applicant's contention that a 2-foot rear yard setback is required because of the unusual shape of the existing dwelling and pie-shaped lot and that the existing double carport requires a 180 degree turn from the driveway, whereas, the proposed double garage will provide a 90 degree turn. The argument made is that a standard two-car garage necessitates a width that brings the proposed structure within 2 feet from the rear property line and that the proposed addition illustrates no windows from the second story which faces the adjacent property to the rear. It is claimed that the proposed addition provides better driveway access and more efficient utilization of the rear yard.

A three-foot rear yard variance application for the subject property was submitted and approved in 1998, but expired. An application similar to the current application was submitted in 2005, and approved by the Board with a modification to a three-foot setback subject to the provision of gutters and downspouts. That, too, has expired. The current application again requests a two-foot rear yard setback.

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.

The applicant has presented no evidence to illustrate that the site cannot be developed in accordance with the minimum requirements of the Zoning Ordinance. It is simply the applicant's desire to construct the garage/playroom two feet from the rear property line. However, since the previous application was also to allow a two-foot setback and approved for a three-foot setback, it would follow that this application should be approved with a modification to a three-foot rear setback, subject to conditions.

RECOMMENDATION 4701/5302/5360**Date: July 10, 2006**

Based on the preceding, it is recommended the setback be modified to three feet and the variance approved subject to the following condition: (1) the provision of gutters and downspouts.

LOCATOR MAP



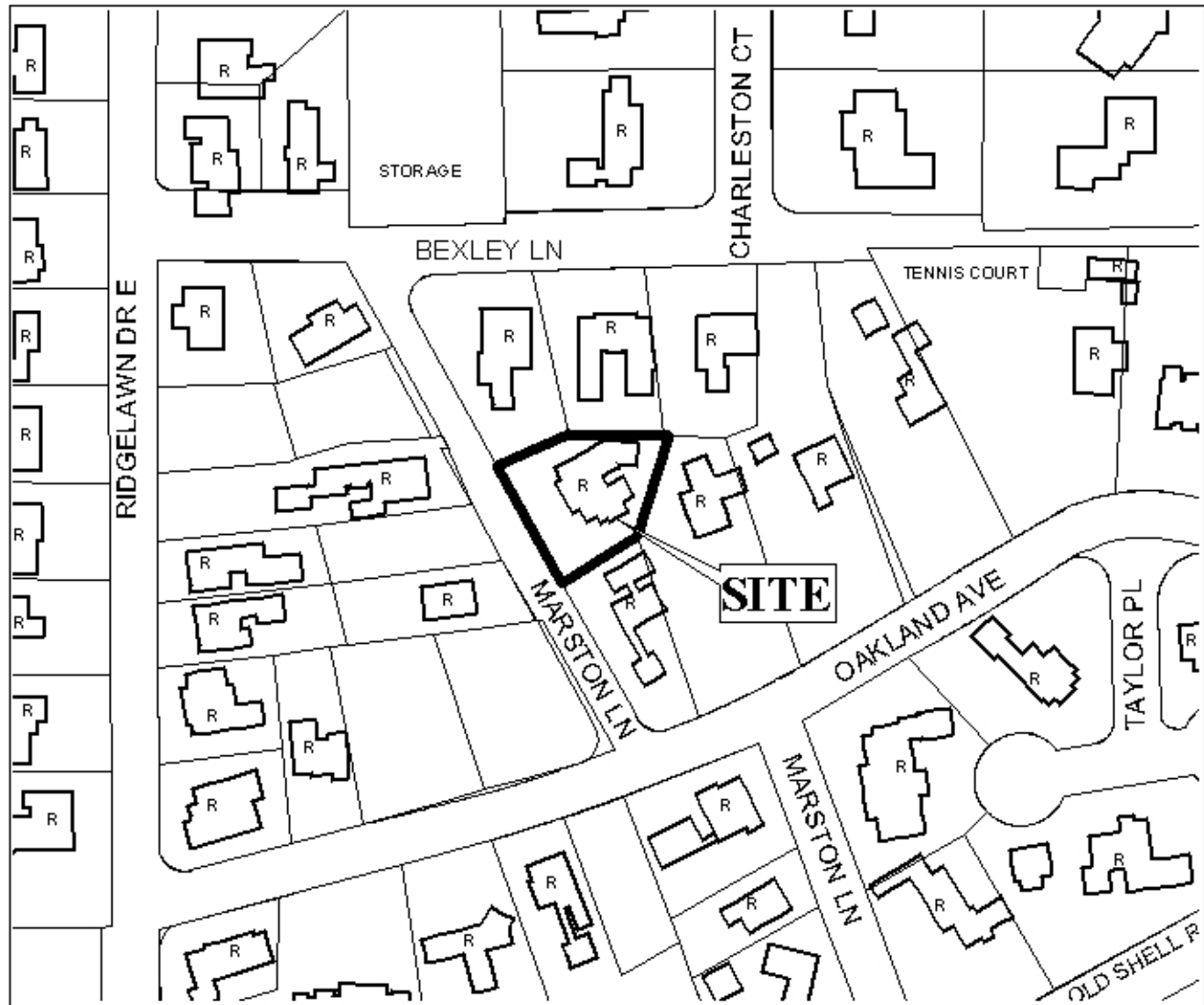
APPLICATION NUMBER 5302/5360 DATE July 10, 2006

APPLICANT Albert & Anne Haas (M. Don Williams, Agent)

REQUEST Rear Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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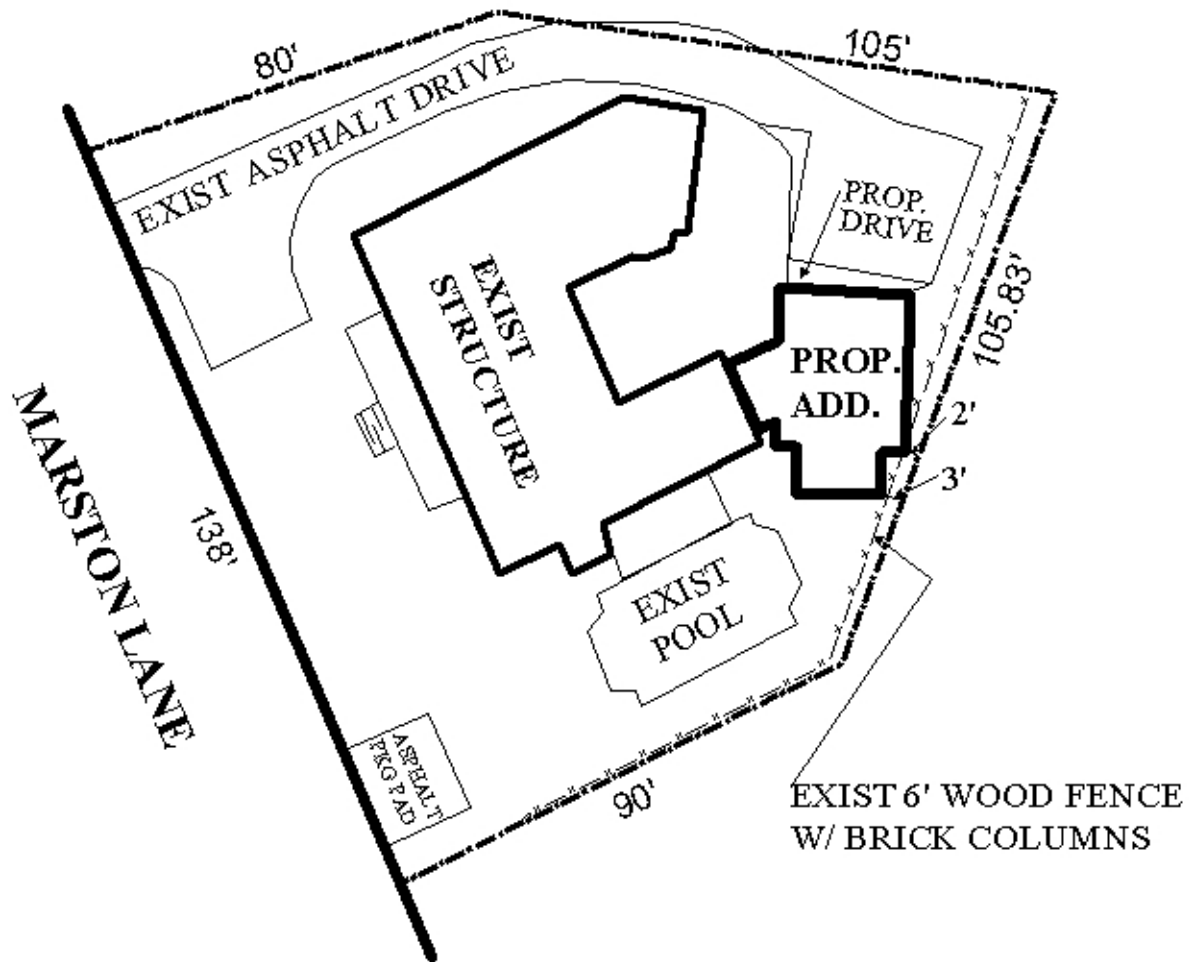
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LEGEND



NTS

SITE PLAN



The site is located on the East side of Marston Lane, 155' North of Oakland Avenue. The plan illustrates the existing structure, drive, pool, and fence, along with the proposed addition and drive extension.

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