

APPLICATION NUMBER

5361

A REQUEST FOR

**SIDE YARD SETBACK AND TOTAL COMBINED SIDE
YARD SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF A 13' X 19' CARPORT AND THE
ADDITION OF APPROXIMATELY 410 SQUARE FEET TO
AN EXISTING RESIDENTIAL STRUCTURE 7' FROM THE
SIDE (SOUTH) PROPERTY LINE, AND A TOTAL
COMBINED SIDE YARD OF 17'; A MINIMUM 8'
SETBACK IS REQUIRED FROM A SIDE YARD AND A
TOTAL COMBINED SIDE YARD OF 20' IS REQUIRED ON
A LOT 60' WIDE OR WIDER IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

354 RIDGELAWN DRIVE WEST

(East side of Ridgelawn Drive West, 105'± North of Mums Court)

APPLICANT/ OWNER

GUY HELMSING

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

JULY 2006

The applicant is requesting a Side Yard Setback Variance and a Total Combined Side Yard Setback Variance to allow the construction of a 13' x 19' carport and the addition of approximately 410 square feet to an existing residential structure 7' from the side (South) property line, and a total combined side yard of 17'; a minimum 8' setback is required from a side yard and a total combined side yard of 20' is required on a lot 60' wide or wider in an R-1, Single-Family Residential District.

The applicant states that there is no car shelter on the property and a single-car carport is proposed at the end of an existing driveway, on the South side of the property. East of and adjacent to the carport, the applicant proposes to expand the residence to provide a playroom and storage room. A patio is proposed between the existing and proposed rear projections of the residence. It is stated that the proposed carport and house addition will create a 7' wide side yard on the right (South) side of the site. An existing storage area attached to the left (North) side of the residence, which creates a nonconforming 5' side yard setback on that side of the property, is to be removed and restore that side yard setback to the original 10'. With the construction of the proposed carport and house addition being 7' from the South property line (1' short of the required 8' setback), the new combined side yard would total 17', 3' short of the required 20' for this property. The applicant further states that the total site coverage after the proposed construction would be less than the maximum 35% allowed for the property.

The applicant states that Ravine Woods Subdivision was developed about 40 years ago with lots typically about 80' wide and driveways to the rear, and that there is a history in the neighborhood of freestanding carports, storage buildings, and playhouses falling close to side property lines. It is further stated that this site has vegetation on all three sides of the rear yard and that the right side (South) vegetation will blunt the impact of the proposed construction on that side neighbor and will fit comfortably within the context of the neighborhood.

This unit of Ravine Woods subdivision was platted in 1963. The existing structure on this site (other than the storage area addition on the North side) was constructed meeting all setback requirements. There may currently be legal, nonconforming structures within the neighborhood, but any structures built after 1967 should meet the setback requirements.

Three of the primary concerns relating to side 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.

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.

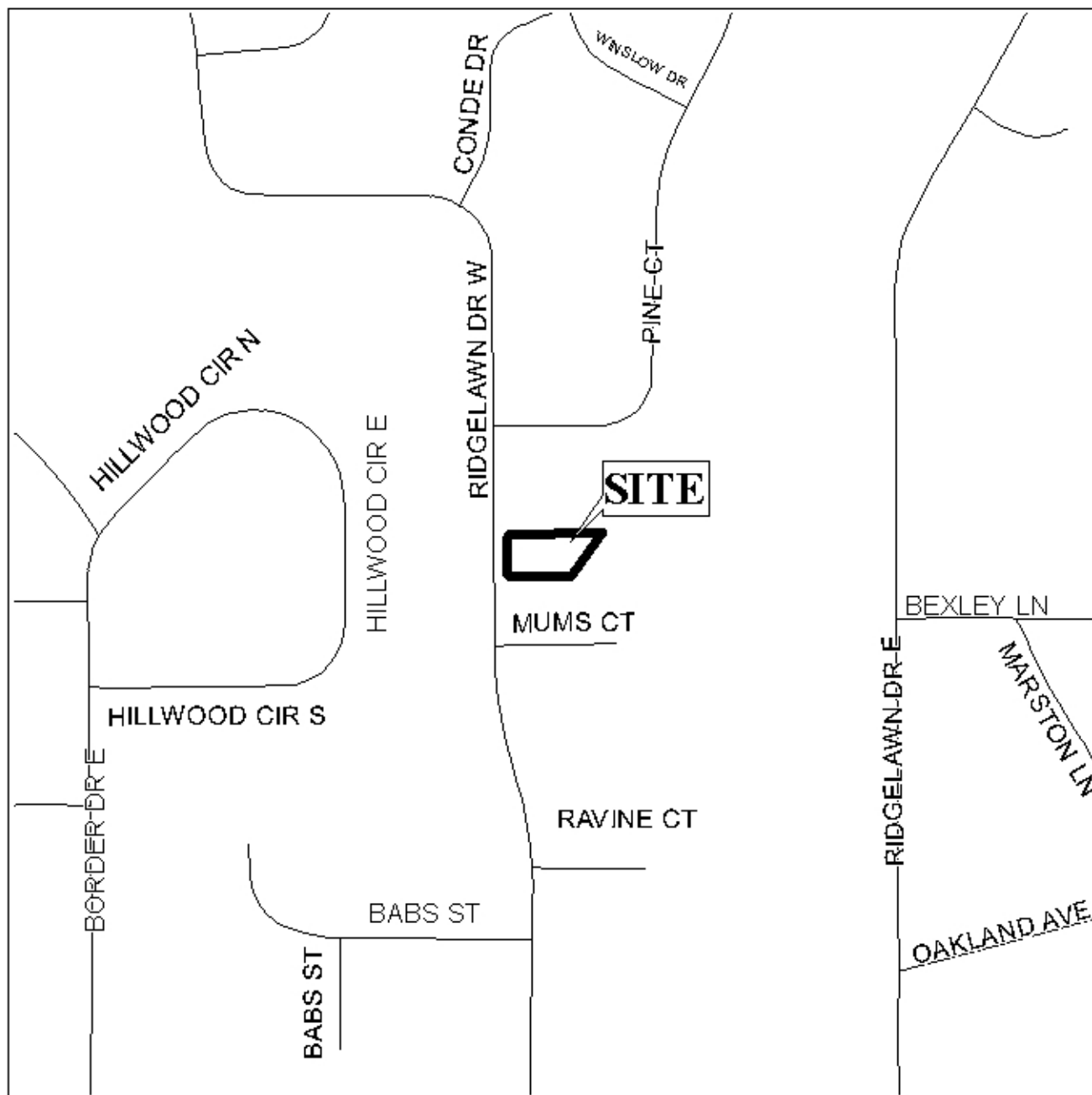
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct a carport and addition to within seven feet from the South property line with a total combined side yard setback of 17 feet.

RECOMMENDATION 5361**Date: July 10, 2006**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 5361 DATE July 10, 2006

APPLICANT Guy Helmsing (M. Don Williams, Agent)

REQUEST Side Yard Setback, Total Combined Side Yard Setback Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units

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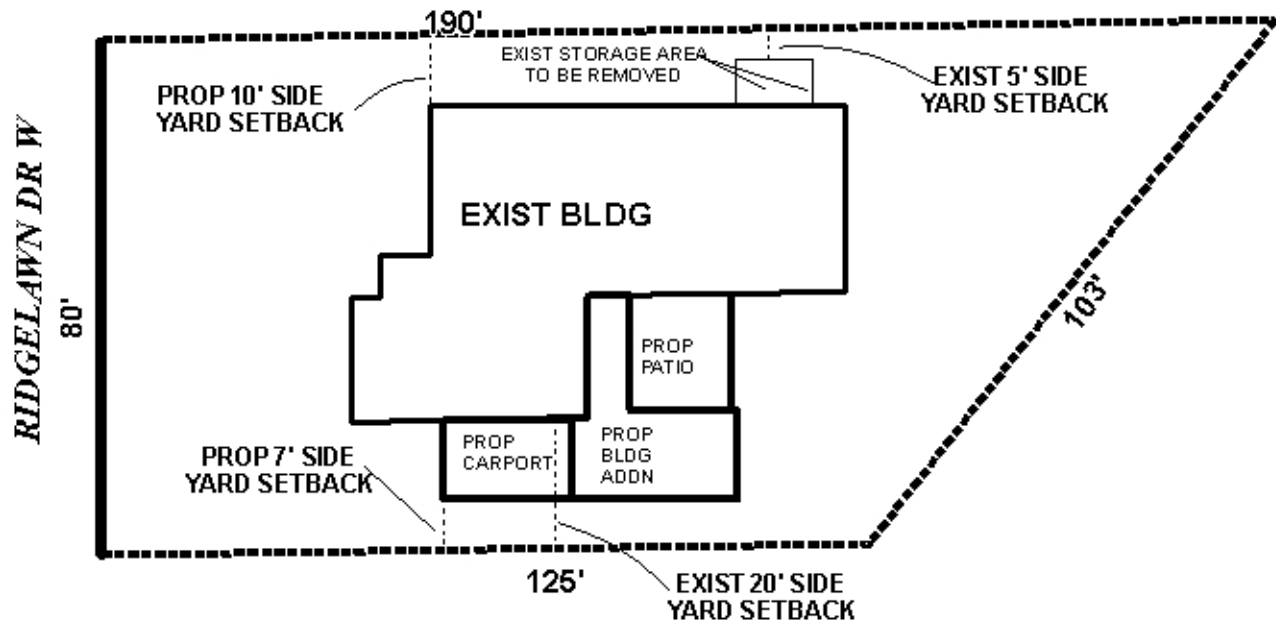
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LEGEND



NTS

SITE PLAN



The site plan illustrates the existing buildings and setbacks along with the proposed additions, setbacks, and structures to be removed

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