

APPLICATION NUMBER

5353

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE
TO ALLOW A 13.25' X 36' ADDITION TO A
RESIDENTIAL STRUCTURE WITHIN 5 FEET OF A SIDE
PROPERTY LINE;
AN 8-FOOT SIDE YARD SETBACK IS REQUIRED FOR
RESIDENTIAL STRUCTURES ON A LOT 56 FEET WIDE
OR WIDER IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT.**

LOCATED AT

4360 THE CEDARS

(North side of The Cedars, 370'± East of McGregor Avenue)

APPLICANT

BROOKE E. BEARD

OWNER

BROOKE E. BEARD

BOARD OF ZONING ADJUSTMENT

JUNE 5, 2006

The applicant is requesting a Side Yard Setback Variance to allow the construction of a 13.25' x 36' one-story addition to an existing single-family residential dwelling within five feet of a side (East) property line. A minimum side yard setback of eight feet is required for residential structures on a lot 56 feet wide or wider in an R-1, Single-Family Residential District. The proposed addition will be for a bedroom, bathroom, and closet spaces.

The applicant states that the existing setback on the East side of the house is 3.3 feet where the proposed addition would begin and that the proposed addition is hindered on the West side by the location of a 60" Live Oak tree. The applicant would like to maintain at least ten feet between the trunk of the tree and the West face of the proposed addition. The applicant states that the five feet requested off the East property line would allow enough for the room sizes in the proposed addition.

With regard to the requested five-foot setback off the property line, the site is located in an older neighborhood that predates the adoption of the current Zoning Ordinance, although not within a historic district. The applicant proposes to indent the addition from the existing wall line to achieve a five-foot setback off the property line. The proposed addition would be in keeping with the residential character of the neighborhood and the Board has been mindful of the unique character of older neighborhoods when considering similar site variance applications. Furthermore, the Board has been sympathetic in granting variances in urban areas of the city, especially when the addition is "in-line" with the existing structure and/or a minimum setback of five feet is provided.

In this case, the proposed side yard setback is five feet, and in previous instances the Board has allowed similar additions to be constructed with the condition that gutters and downspouts be placed on the side of the addition that abuts that side property line affected by the structure.

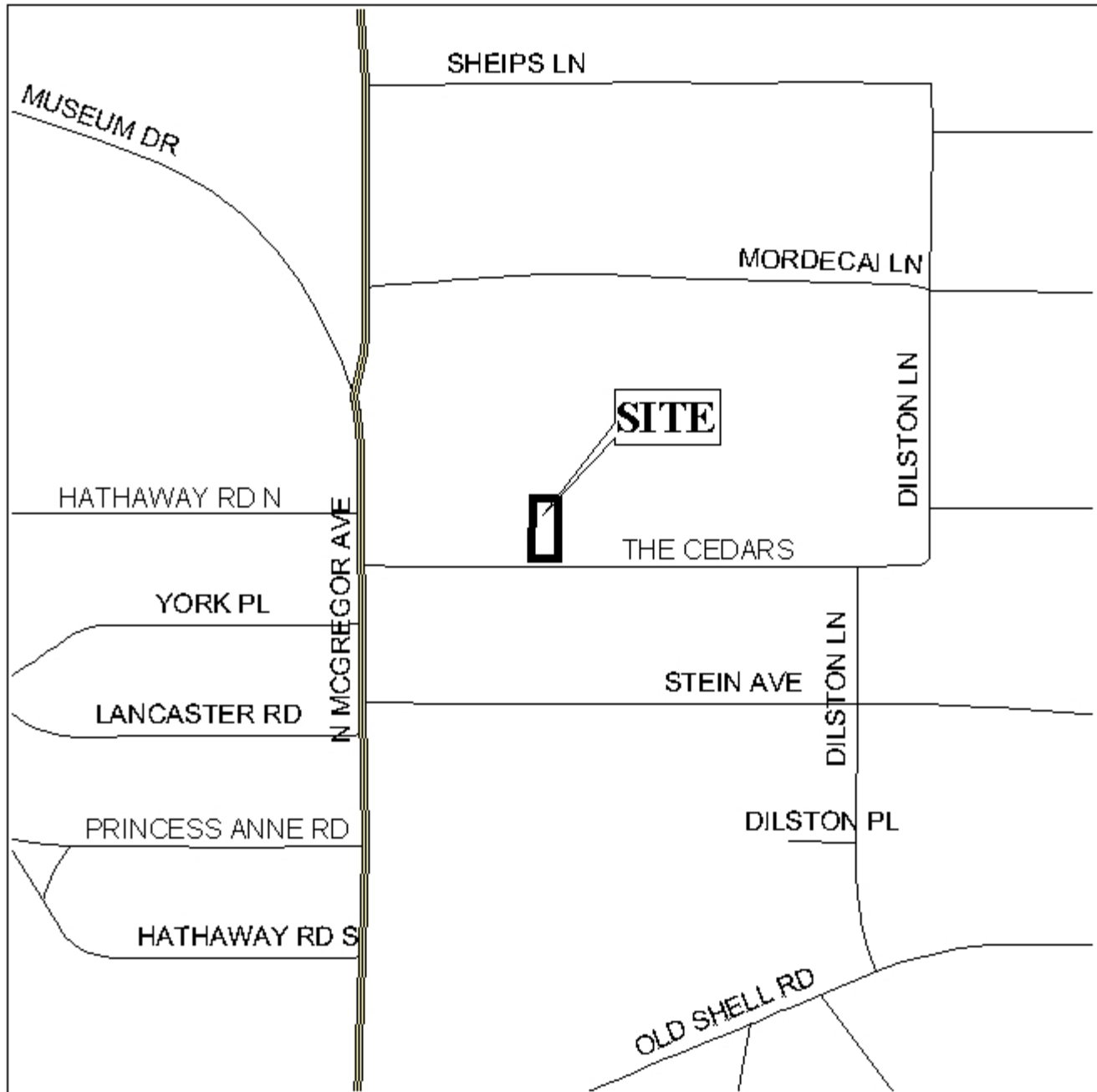
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement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

The proposed 5-foot side yard setback is consistent with the existing reduced side yard setbacks typical of the area and will help to maintain the aesthetic quality of the property and neighborhood. Furthermore, distancing of the addition from the Oak tree and building the addition on pier foundation, as planned, will allow for minimal impact on the tree's root system.

RECOMMENDATION 5353**Date: June 5, 2006**

Based on the preceding, it is recommended that this application be approved subject to the following conditions: (1) the provision of gutters and down spouts on the East side of the addition; and (2) the addition be limited to pier foundation.

LOCATOR MAP



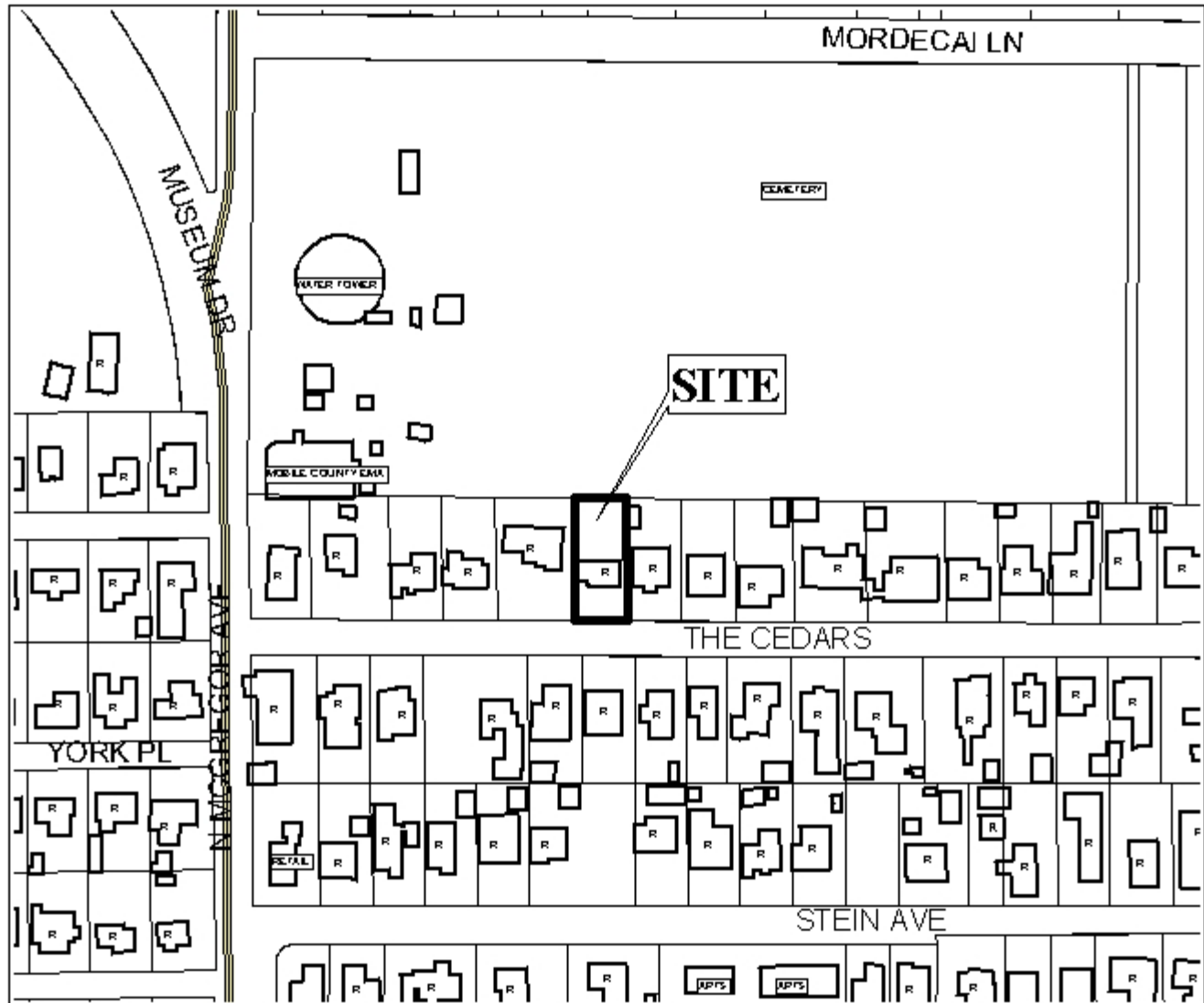
APPLICATION NUMBER 5353 DATE June 5, 2006

APPLICANT Brooke E. Beard

REQUEST Side Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with a cemetery and water storage facility to the North.

APPLICATION NUMBER 5353 DATE June 5, 2006

APPLICANT Brooke E. Beard

REQUEST Side Yard Setback Variance

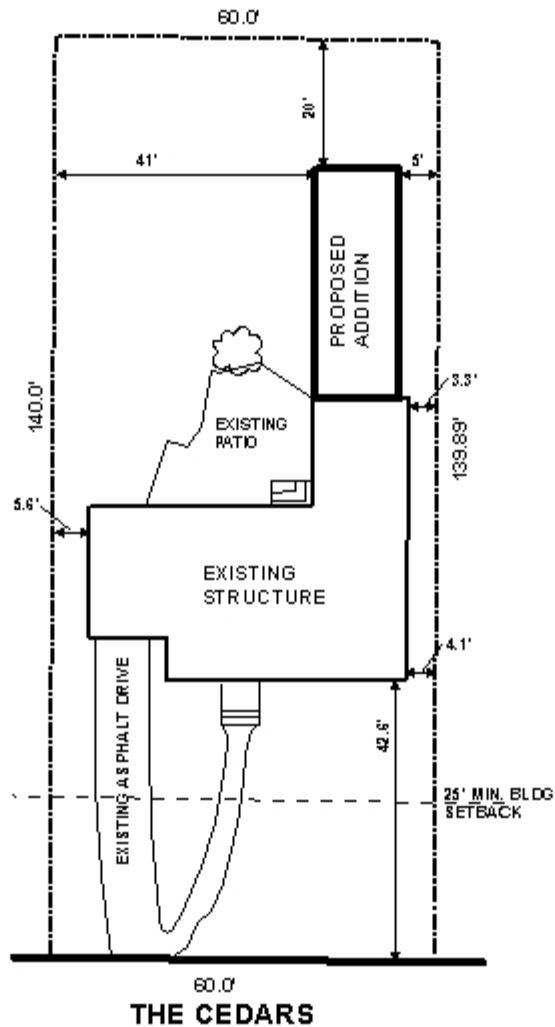
LEGEND

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
-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



NTS

SITE PLAN



The site is located on the North side of The Cedars, 370' East of McGregor Avenue. The plan illustrates the existing structure and drive, along with the proposed addition.

APPLICATION NUMBER 5353 DATE June 5, 2006
APPLICANT Brooke E. Beard
REQUEST Side Yard Setback Variance

