

APPLICATION NUMBER

**5313**

A REQUEST FOR

**SIDE YARD, REAR YARD AND COMBINED SIDE YARD  
VARIANCES TO ALLOW THE CONSTRUCTION OF A  
SINGLE-FAMILY DWELLING WITH ATTACHED PORTE  
COCHERE WITHIN 6' OF THE (WEST) SIDE PROPERTY  
LINE, TO ALLOW A COMBINED SIDE YARD TOTAL OF  
14', AND TO ALLOW THE CONSTRUCTION OF A  
DETACHED 28' X 28' TWO-STORY, TWO-CAR  
GARAGE/STORAGE STRUCTURE WITHIN 2.5' OF THE  
(WEST) SIDE PROPERTY LINE AND 2.5' WITHIN THE  
REAR PROPERTY LINE; AN 8' MINIMUM SIDE AND  
REAR YARD SETBACKS AND A 20' COMBINED SIDE  
YARD TOTAL ARE REQUIRED ON A 60' OR WIDER LOT  
IN A R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

**1813 SPRING HILL AVENUE**

(South side of Spring Hill Avenue, 65'± East of North Carlen Street)

APPLICANT/OWNER

**RICHARD T. LANGSTON**

**BOARD OF ZONING ADJUSTMENT**

JULY 2005

The applicant is requesting Side Yard, Rear Yard and Combined Side Yard Variances to allow the construction of a single-family dwelling with attached porte cochere within 6-feet of the (West) side property line, to allow a combined side yard total of 14-feet, and to allow the construction of a detached 28' x 28' two-story, two-car garage/storage structure within 2.5-feet of the (West) side property line and 2.5-feet of the rear property line; an 8' minimum side and rear yard setbacks and a 20' combined side yard total are required on a 60' or wider lot in a R-1 Single-Family Residential District.

The applicant is proposing the construction of a 2,500 square foot dwelling with an attached porte cochere within 6-feet of a side property line, and the construction of a separate 28' x 28' two-car, two-story garage/storage storage structure within 2.5-feet of a side property line and 2.5-feet within the rear property line.

The applicant is requesting relief from the side and rear setback requirements due to a large historical live oak tree located within 48-feet of the front property line. The applicant states due to the location of the large live oak tree, the dwelling must be located out of the critical root zone. The applicant goes on to say the structures will be characteristic of other homes and garages in the area.

The applicant also states that with the limited space, the garage will need to be 2.5-feet from the side and rear property lines to give adequate maneuverability for vehicles. The applicant states that the adjacent property to the East has a garage within 2.5-feet from the side and rear property lines. However, even if the residence is shifted to the rear, outside the critical root zone the 48" oak there appears to be adequate maneuvering room (25-feet) from the rear of the dwelling to the front façade of the garage to provide the required setbacks.

Regarding the attached porte cochere, the lot is 62-feet wide at its narrowest point, which is wider than the minimum width dimension (60-feet) upon which standard setbacks are based. As illustrated on the Vicinity Map, none of the primary dwellings appears to encroach into the required side yards along this portion of Spring Hill Avenue.

Although the site is not within a historic district it is located in an older neighborhood that far predates the adoption of the current Zoning Ordinance. The proposed dwelling with porte cochere would maintain the residential character of the neighborhood and the Board has been mindful of the unique character of older areas when considering site variance applications. Furthermore, the Board has been sympathetic in granting variances in urban areas of the city when the structure is within 5-feet of the property line. However, in granting relief in older neighborhoods, the Board has typically required a minimum setback of 5-feet, as well as the provision of gutters and downspouts.

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.

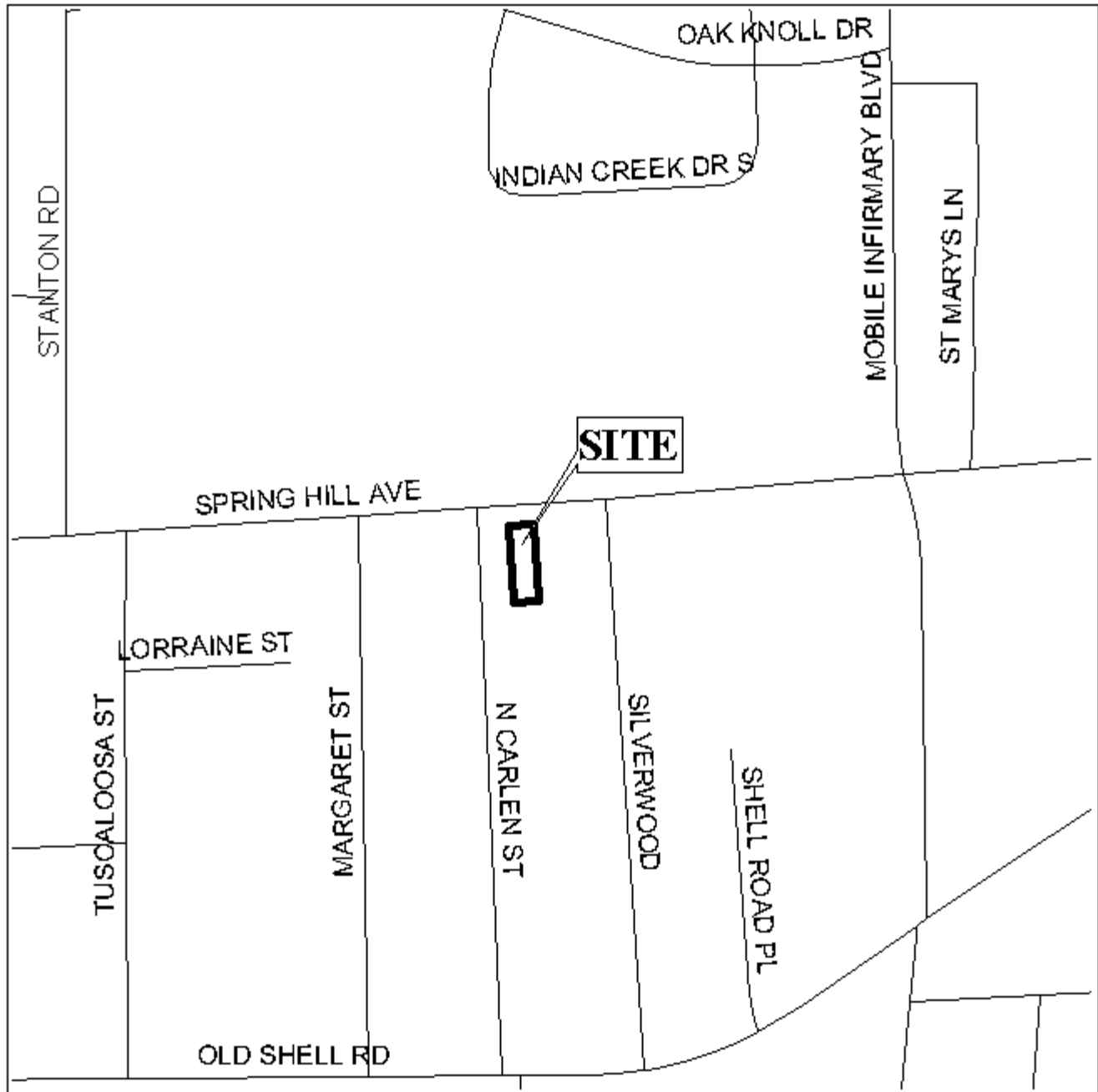
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct a 28' x 28' two-car, two-story garage/storage structure within 2.5-feet from the West side property line and 2.5-feet within the South rear property line, and a porte cochere within 6-feet of a side property line with a combined sideyard total of 14-feet.

**RECOMMENDATION 5313****Date: July 11, 2005**

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Based upon the preceding, it is recommended that the Side Yard and Combined Side Yard Variances to allow the construction of a single-family dwelling with attached porte cochere within 5-feet of the (West) side property line be approved; and that the side and rear yard variances for a detached 28' x 28' two-story, two-car garage/storage structure within 2.5-feet of the (West) side property line and 2.5-feet within the rear property line, be denied.

# LOCATOR MAP



APPLICATION NUMBER 5313 DATE July 11, 2005

APPLICANT Richard T. Langston

REQUEST Side Yard, Rear Yard, and Combined Side Yard Setback Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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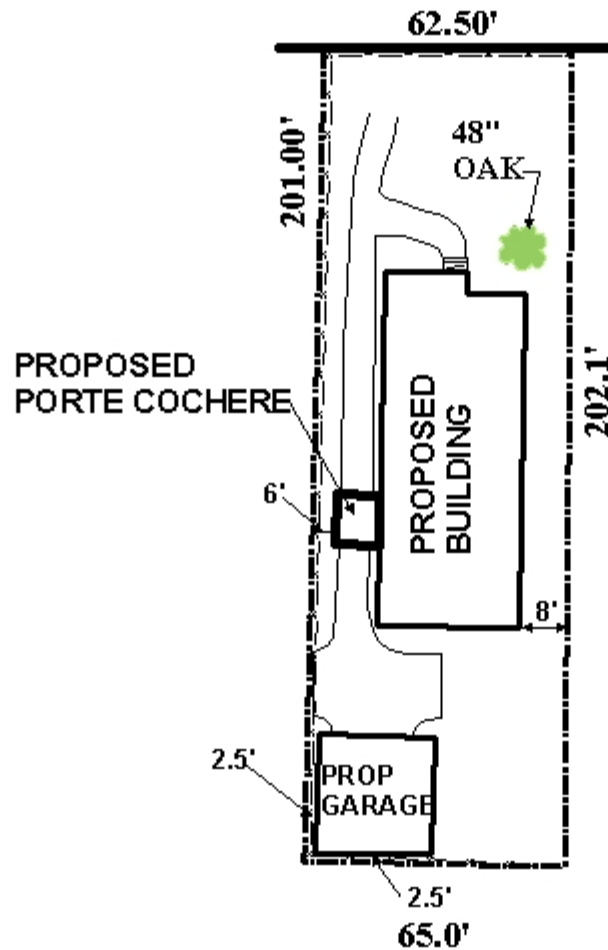
LEGEND

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# SITE PLAN

## SPRING HILL AVENUE



The site is located on the South side of Spring Hill Avenue, 65' East of North Carlen Street. The plan illustrates the proposed structures and tree.

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