

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: June 1, 2015**

**CASE NUMBER**

5972

**APPLICANT NAME**

David W. Strain, Senior

**LOCATION**

2174 Riverside Drive  
(North side of Riverside Drive, 1,000'± north of Annwood Drive).

**VARIANCE REQUEST**

**SIDE YARD SETBACK:** Side Yard Setback Variance to allow a 2,349 square-foot addition within 6'6" of a side yard property line in an R-1, Single-Family Residential District.

**ZONING ORDINANCE  
REQUIREMENT**

**SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum side yard setback of 8' in an R-1, Single-Family Residential District.

**ZONING**

R-1, Single-Family Residential

**AREA OF PROPERTY**

28,097 Square Feet / 0.65± Acre

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**ENGINEERING  
COMMENTS:**

No comments.

**CITY COUNCIL  
DISTRICT**

District 3

**ANALYSIS**

The applicant is requesting a Side Yard Setback Variance to allow a proposed structure within 6'6" of the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an 8' side yard setback in an R-1, Single-Family Residential District.

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 site plan illustrates that a 1,410 sf dwelling currently exists on the property. The applicant proposes to construct a 2,349 sf addition in alignment with the northeast corner of the rear of the existing structure. The addition will include one bedroom, one and one-half bathroom, and one two-car garage/workshop. While the proposed structure will align with the current structure, it will, in part, infringe upon the minimum 8' side yard setback requirement by 1'6".

The applicant states that:

*The original house was built in 1927 with an addition in 1947. The existing house has a total of 1,400 sf with two bedrooms and two bathrooms. There is also an existing drive and parking area on the street side of the house. The proposed addition is to add a 2,349 sf addition with one bedroom and 1 and ½ baths. The addition will include a 588 sf garage/shop area. A new drive and turn around area will be provided for access to the new garage. The new work will be constructed between August 2015 and December 2016.*

*The proposed variance is for the south-east corner of the new addition to match the north-east corner of the existing house which is 6'-6" from the east property line and continue the east wall of the house north approximately 52 feet. Continuing the existing alignment of the wall from the existing house to the new house facilitates easier construction and allows the new addition to have a more functional floor plan.*

As the applicant mentions, the existing structure was constructed in 1927 and an addition was made in 1947, prior to the adoption of the current Zoning Ordinance and the setback requirements therein. With regards to the current, completed structure the east side of the home is nonconforming; it is located within 8' of the side yard setback required by the Zoning Ordinance. It should be noted that the lot on which the current and proposed structures will be situated is unconventional; its shape is long and narrow, and it further narrows between the existing house and the waterfront. The length of the lot to the east is 504'±; the length of the lot to the west is 491'±; and the greatest and least widths of the lot are 76'± and 47'±, respectively. The current structure is situated within the greatest dimensions of that lot with a side yard width of 3'± from the southeast corner of the home to a side yard width of 6'6" ± at the northeast corner of the home. The combined sum of remaining side yard widths with respect to the aforementioned side yard dimensions is greater than 20'. The combined sum of side yard widths of the proposed structure will be reduced to 18'±; however due to the location and size of the house in proximity to the lot as well as the flood zone associated with Dog River, alternative sites on the property may not appear to be feasible. As such the existing location, although relatively close to the property line, will maintain greater side yard widths to the west of the structure and may be the most appropriate location for the proposed addition. The structure and

its proposed addition will remain less than 35% of the maximum building site coverage also established by the Zoning Ordinance.

Staff cannot substantiate the applicant's statement that keeping the construction of a proposed addition to those dimensions of the current structure will facilitate easier construction and a more functional floor plan; especially when a smaller or redesigned addition could meet the requirements of the Zoning Ordinance. The addition is proposed where the lot is approximately 70'± wide, and is where the side yard setback request is desired. From this point, the proposed addition will extend approximately 53'± towards Dog River, to a point where the lot is approximately 46'± wide; this portion of the addition will have from 8' to 10' of a side yard setback. Thus only a small portion of the addition will require a reduced side yard width, and only because of the precedent set by the existing structure. Finally, the addition will result in the removal of an existing carport and shed, which are approximately 1'± from the east property line.

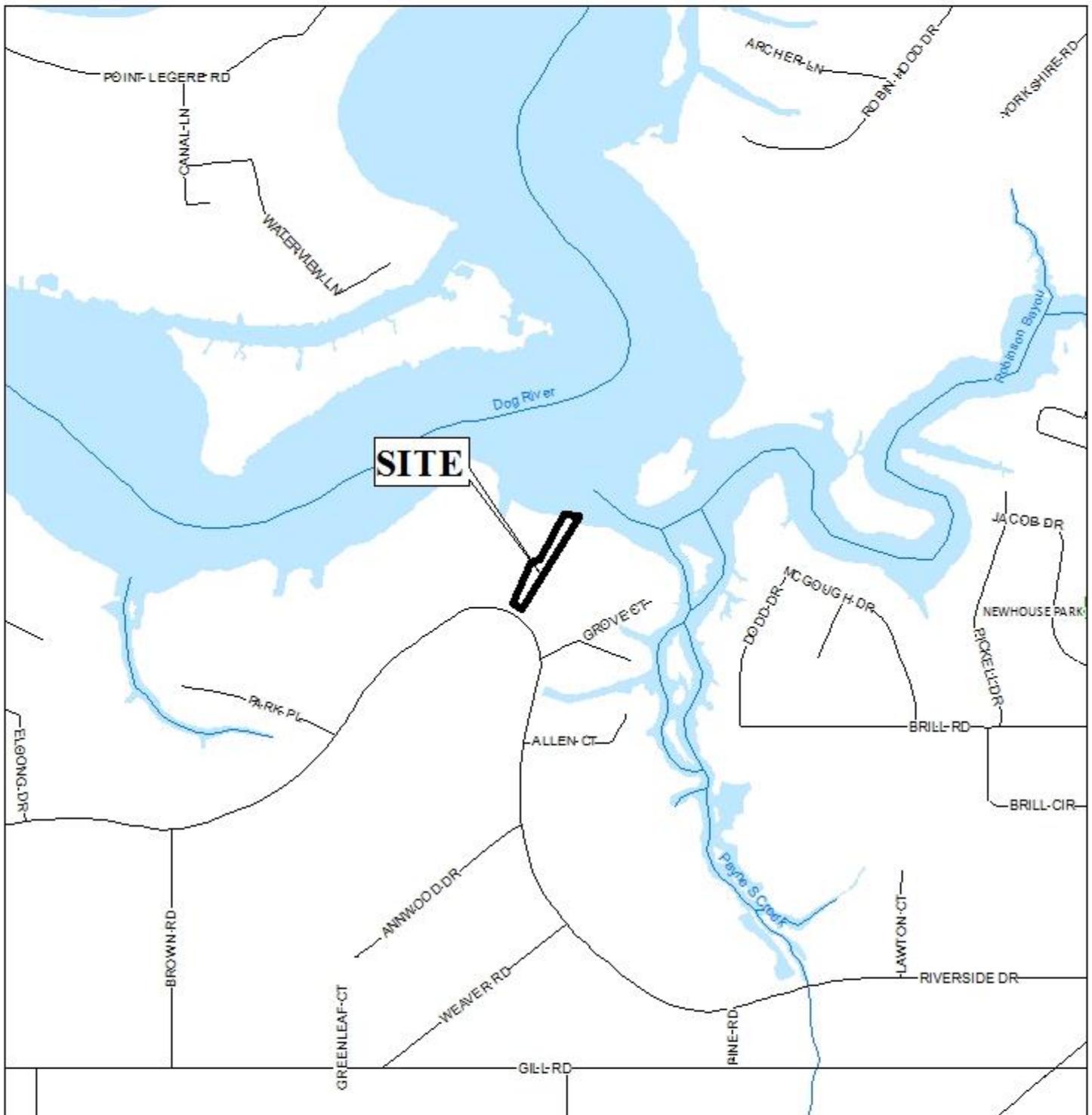
**RECOMMENDATION:** Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Granting the variance will not be contrary to the public interest in that only a small portion of the proposed addition will require a reduced side yard width, and only because of the precedent set by the existing structure;
- 2) Special conditions exist, including the limited property size, dimensions, shape and natural features, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance; in maintaining the precedence established by the original structure, the risks associated with land use development at or near Dog River will be reduced.

The approval should be subject to the following conditions:

- 1) The acquisition of the appropriate land disturbance and building permits; and
- 2) Full compliance with all applicable codes and ordinances.

# LOCATOR MAP



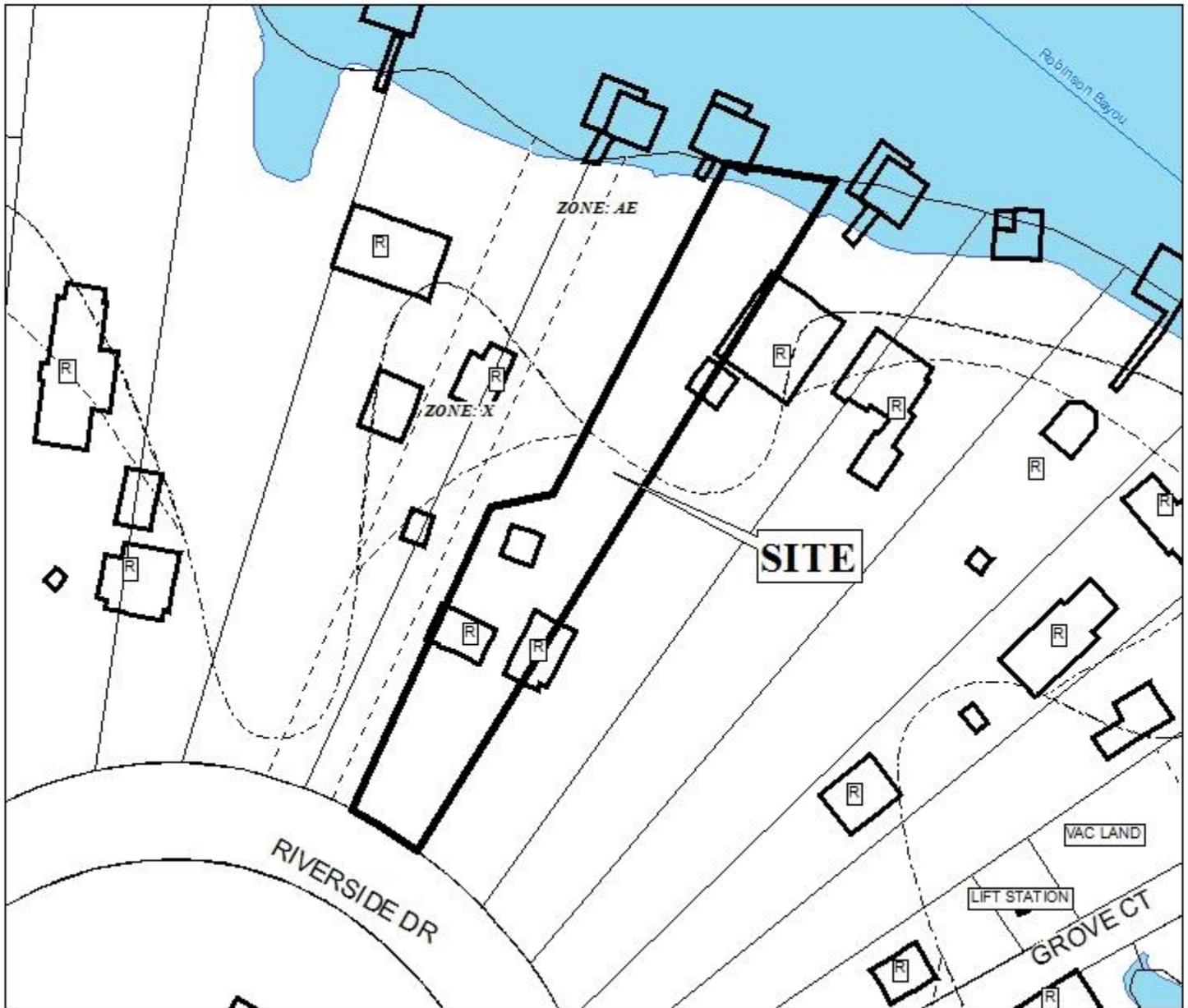
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



NTS

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VICINITY MAP - EXISTING ZONING**



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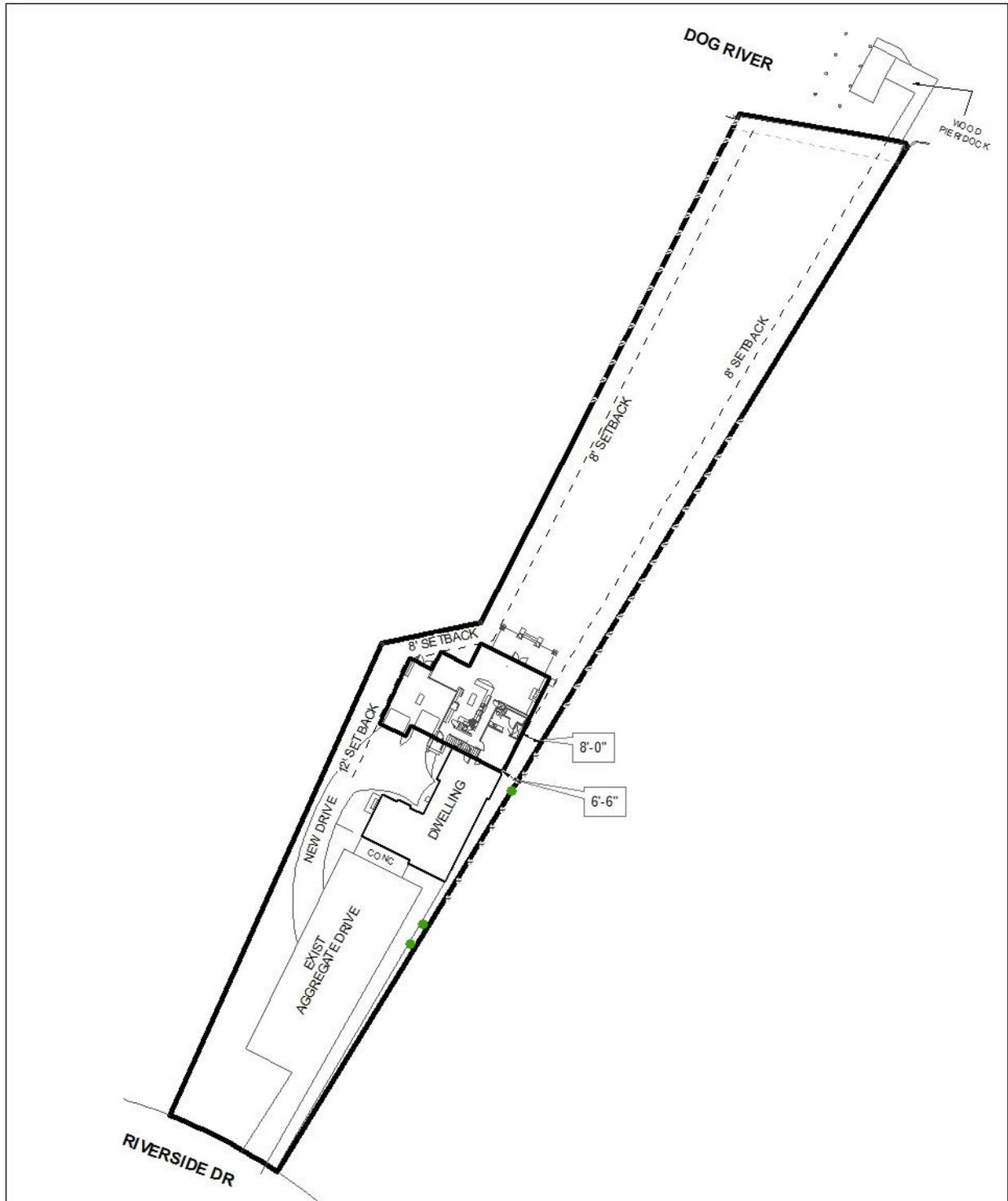
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# SITE PLAN



The site plan illustrates the setbacks, drives, building, and fences.

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# DETAIL SITE PLAN



Strain - Riverfront Elevation



Strain - Streetfront Elevation

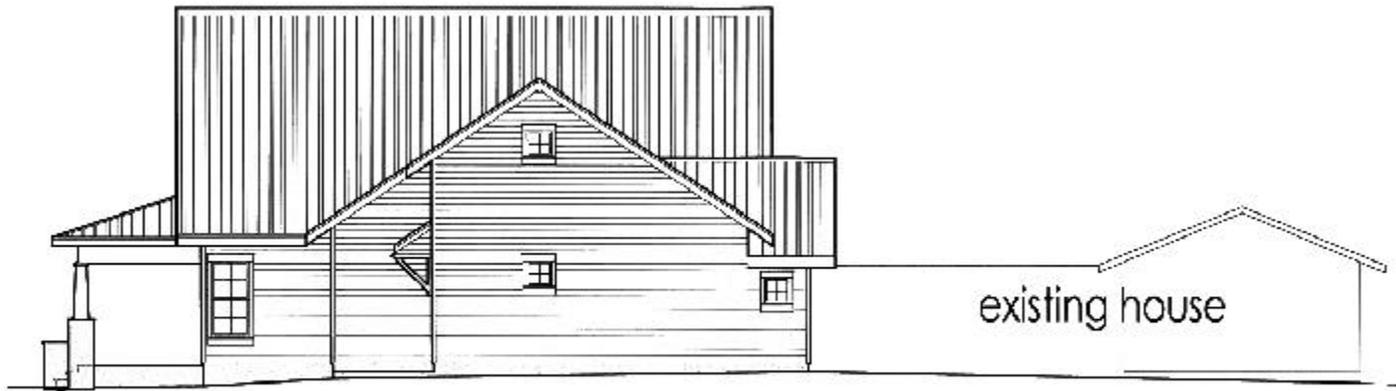
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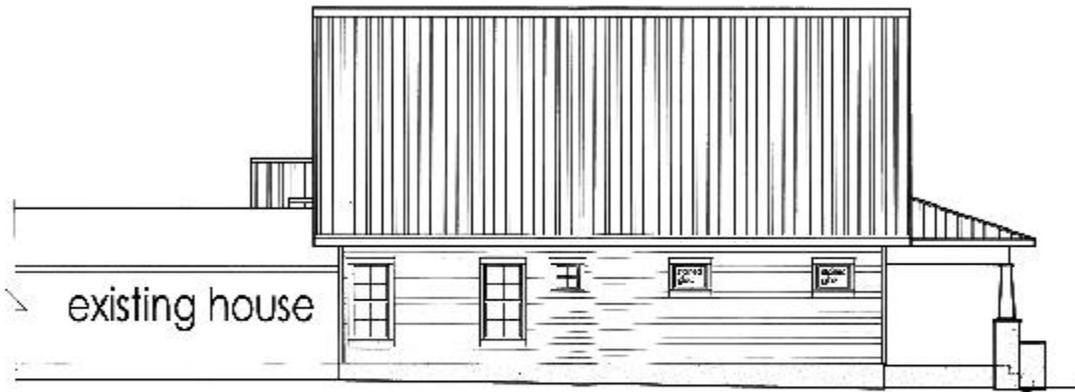
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# DETAIL SITE PLAN



Strain - West Side Elevation



Strain - East Side Elevation

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