

REVISED

ZBA09-00024

11708 Casa View Drive

Thomas D. Myers

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 zone.

This would permit a 20' by 18' addition of which a 20' by 15' portion is proposed to encroach in the required rear yard setback.

The required front and rear yard cumulative setback total is 50' in the R-3 (Light Density Residential) zone.

BACKGROUND

The applicant is requesting to add a room for a study that will encroach in the required rear yard setback and will be located to within 10' of the rear yard property line. The applicant is also proposing to build a carport in the west side setback to within 5' of the side property line. A site visit reveals that a storage shed has been built encroaching 5 feet into the east side yard setback. Mr. Myers purchased the house in 2001 and did not build the structure; however, neither City staff nor the applicant can prove the storage shed was there 15 years ago in order to qualify for the Special Exception L. The applicant did receive a building permit and did get the required inspections for the wall in the front yard that is built to 0' of the side property line. He has submitted a revised site plan that shows the encroaching structures to be demolished.

CALCULATIONS

1/3 average lot width = 27.33' (82' ÷ 3)

Requested width of encroachment = 20'

Required rear yard setback = 25'

Requested rear yard setback = 10'

STAFF RECOMMENDATION

Staff recommends approval of the request for the Special Exception C with the condition that the encroaching structures in the east side setback, including masonry walls, be reduced to be within 5' of the east side property line.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

"Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit."