

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

This would permit the construction of a 20' by 10' addition of which a 12' by 5' portion is proposed to encroach 5 feet into the required rear yard setback.

The required cumulative front and rear yard setback total is 50 feet in an R-3 zone.

BACKGROUND

The applicants were granted a building permit in May 2008 to add a sunroom to their house. The inspector failed the foundation for encroachment in the required rear yard setback. They are requesting the Special Exception for the corner of the addition that encroaches in the rear yard setback.

CALCULATIONS

1/3 average lot width = 26.66' (80' ÷ 3)

Total requested width of encroachment in rear yard = 12'

Required rear yard setback = 25'

Requested rear yard setback = 20'

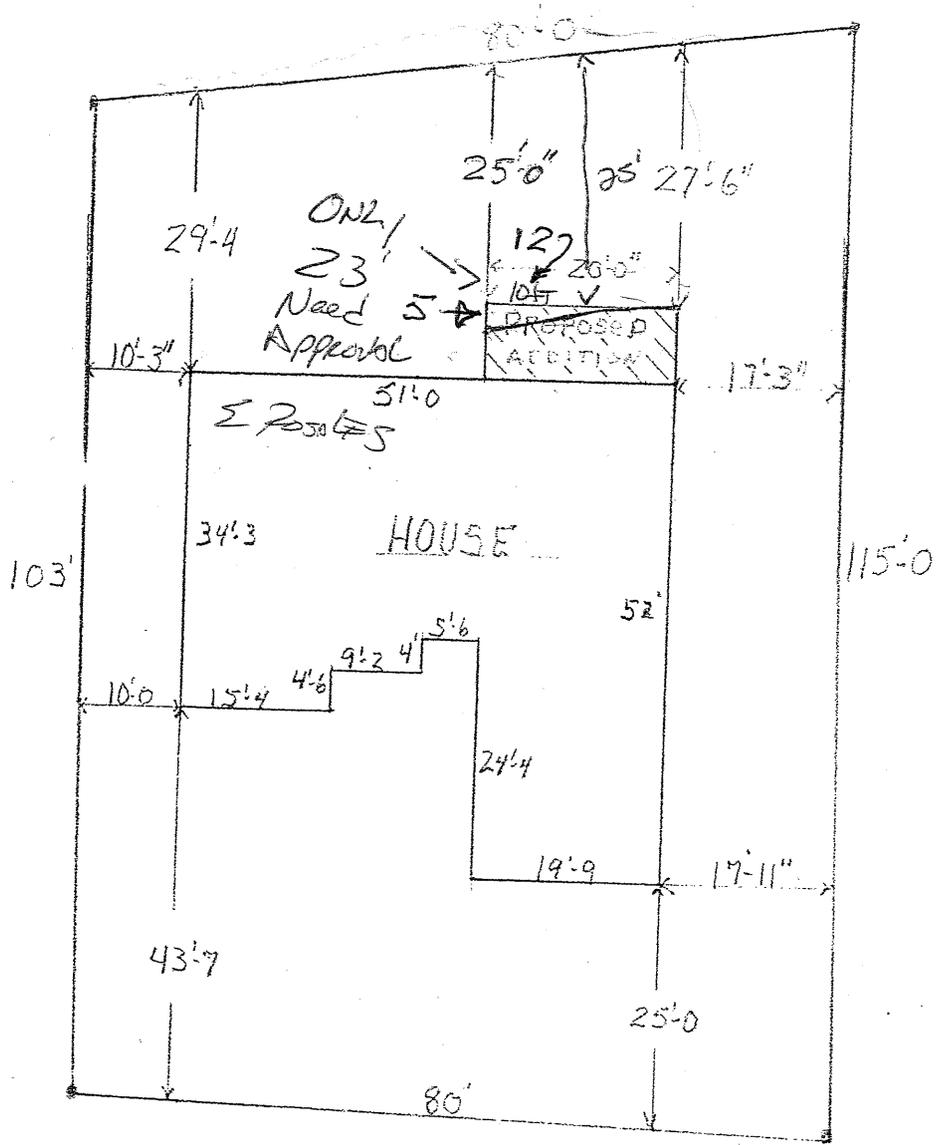
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception C.

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

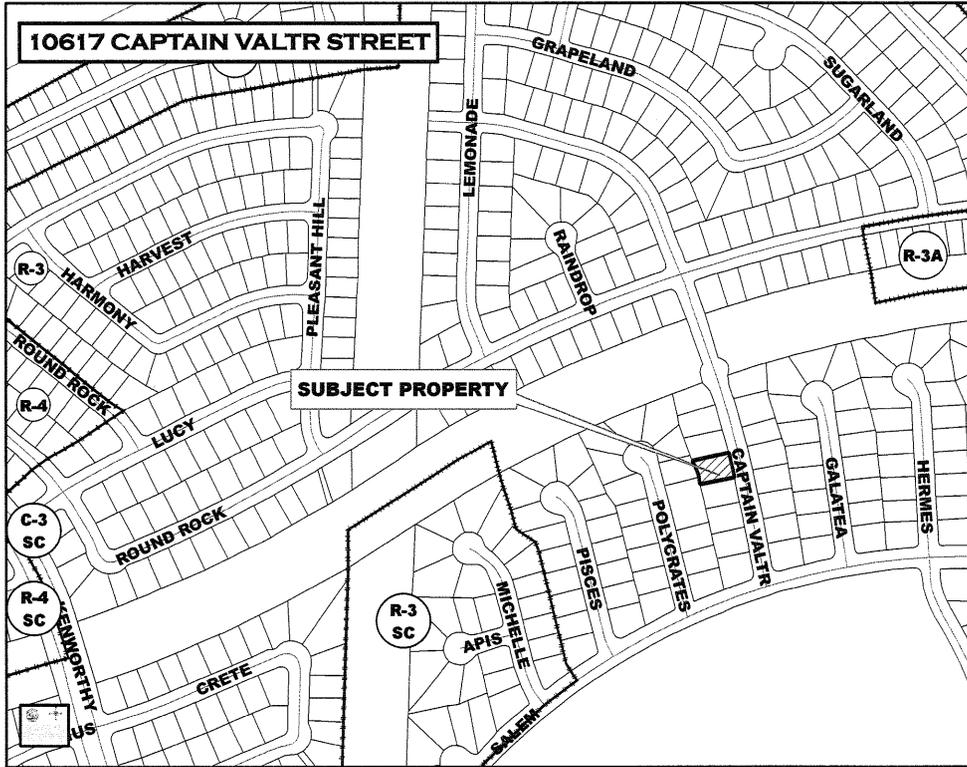
“Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

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 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; and,
8. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located; and,
9. The public convenience and welfare will be substantially served; and,
10. The use of neighboring property will not be substantially injured; and,
11. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation.”



10617 CAPT VALTR
 CURTIS + KAYOKO UPTON
 LOT 39 BLOCK
 ADDITION 27 APOLLO HEIGHTS #5
 1" = 20'-0"

ZONING MAP



NOTIFICATION MAP

