

**Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone.**

This would permit an existing 12' by 17'6" addition of which a 12' by 9' portion encroaches into the required rear yard setback and is located to within 14 feet of the rear property line.

The required front and rear yard cumulative setback total is 45 feet in the R-4 zone district.

**BACKGROUND**

The applicant purchased the subject property in 2011 and is requesting to legalize an existing addition that encroaches into the rear yard setback.

**CALCULATIONS**

Permitted area of encroachment in required rear yard = 325 sq. ft. (21.66' [65' lot width ÷3] x 15' [3/5 of 25'])

Requested area of encroachment = 210 sq. ft. (12' x 17.5')

Required rear yard setback = 25'

Requested rear yard setback = 14'

**STAFF RECOMMENDATION**

Staff recommendation is for approval as it meets the requirements of the Special Exception C.

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

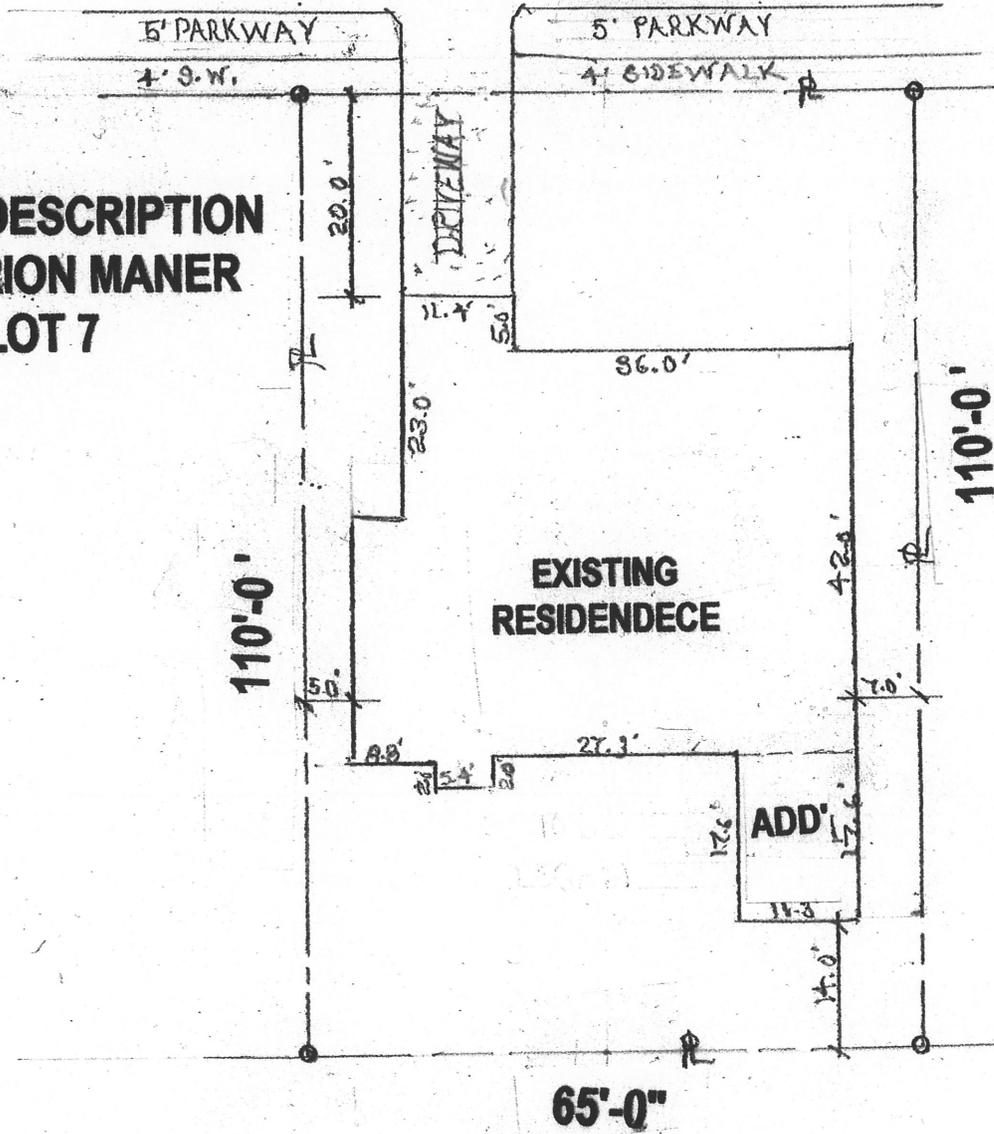
“Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.”

# 437 MOORELAND STREET

65'-0"

**LEGAL DESCRIPTION  
10 MARION MANER  
LOT 7**



## SITE PLAN

SCALE: 1"=20'-0"

