

Postponed to the 12-9-13 ZBA Meeting

PZBA13-00024

1901 Roswell Road

Elena De La Rosa

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. Item postponed at the November 11, 2013, ZBA Hearing.

This would allow an existing 19' by 22'3" addition of which a 19' by 4'8" (90 square feet) portion encroaches into the required rear yard setback and is located to within 18' of the rear property line. Further, this would allow a 23'4" by 19' portion (443 square feet) of an existing carport which is located to within 8 feet of the front property line.

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

BACKGROUND

The applicant was cited for building without permits and is requesting to legalize an addition which encroaches in the rear yard setback and also a portion of the carport which is encroaching in the front yard setback. The site plan shows that an approximately 15' by 19' portion of the carport will be removed. The applicant is requesting to keep 413 square feet of the carport, approximately 52 square feet more than the permitted 361 square feet, keeping the roof and two existing columns. The carport matches the house in materials, but the carport roof does not match the house roof design. Building Permits & Inspections has reviewed the structural drawings for the carport and has failed the plans.

At the August 12, 2013, meeting the ZBA approved the request for the Special Exception C for the encroachment in the rear yard setback with a condition that the wall of the accessory building which is built to within 5 feet of the side property line be of fire-rated construction.

The request for the Special Exception J for the carport was postponed at the November 11th meeting for four weeks, or until the next regularly scheduled meeting, to allow the applicant to submit revised plans for the carport. As of the date of this report, the applicant has not provided revised and has only provided "as built" plans of the carport.

CALCULATIONS

Permitted carport area = 361.40 sq. ft. (1,807 sq. ft. ÷ 5)

Requested area of carport = TBD

Required front and rear yard setback total = 50'

Requested front and rear yard cumulative setback = TBD

STAFF RECOMMENDATION

Staff recommends denial of the request for the carport as the applicant has not met the requirements of Section 2.16.050 J (Carport over a Driveway).

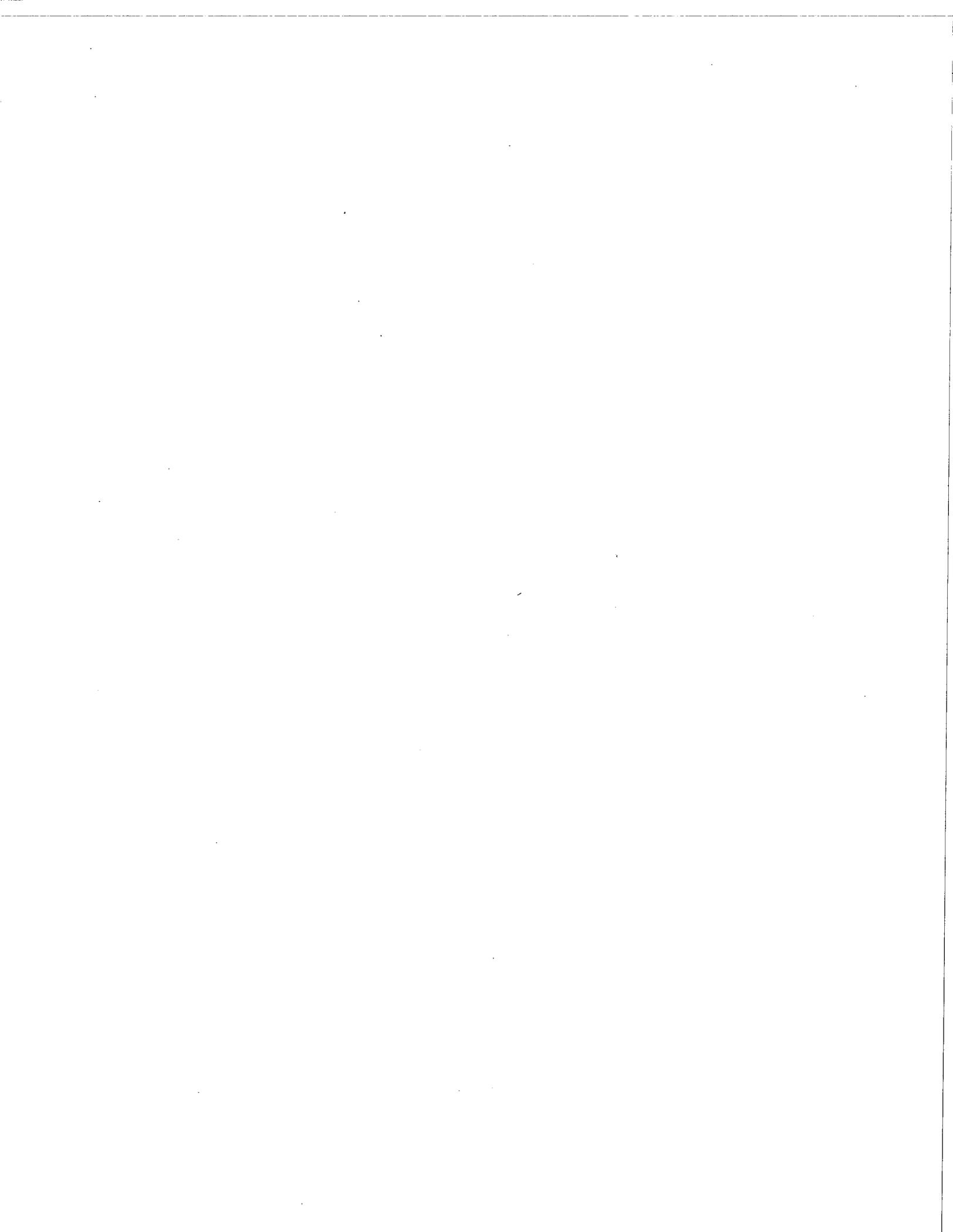
The Zoning Board of Adjustment is empowered under Section 2.16.050 J to:

"Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

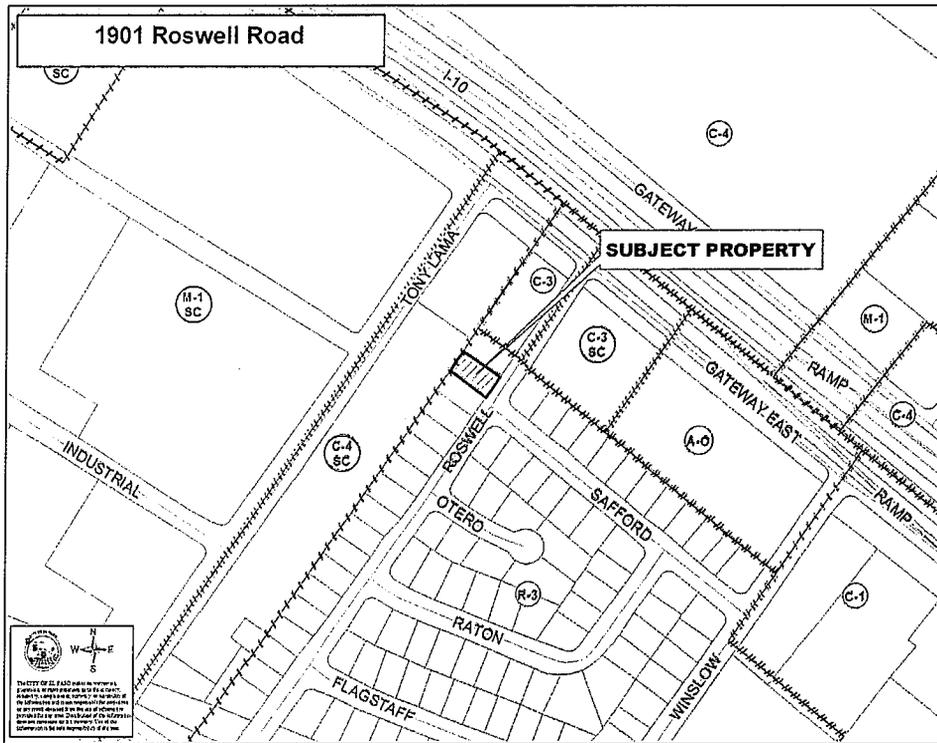
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, shall be open on three sides, shall be attached to the main structure and shall rise no higher than the highest point of the roof of the dwelling;

ITEM #1

4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;
5. Elevation drawings of the proposed structure shall be submitted;
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this code; and,
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space."



ZONING MAP



NOTIFICATION MAP

