



ZBOA Agenda Item # 3

SEPTEMBER 1, 2015

Variance request by Charles Bennett

File #: APP-2015-04

Charles Bennett is requesting an after-the-fact Variance to LDR Section 214-1 Dimensional Standards of Zoning Districts, Table 1, as it pertains to minimum front yard building setback. The subject property is zoned Single-Family Residential (R-15) and consists of 0.49 acres located at 2891 Green Meadow Drive. The property contains a single-family residence. The applicant is requesting a variance to the minimum front yard setback for a large porch addition that has already been built over a new concrete driveway.

Background. In January 2015, the applicant obtained a building permit for a front porch “addition” (11’x34’ attached carport)(374-sf) with listed value of construction of \$10k. In late June and early July 2015, City staff was contacted by various neighbors inquiring as to the permitting scope of the now-completed front porch addition, as well as other alleged construction activities on site. City staff investigated and found the front porch “addition” was actually constructed at a size of 30’x34’ (1,020-sf). This brought the overall size of the front porch from its original size of 7’x34’ (238-sf) to 37’x34’ (1,258-sf). Additionally, a circular concrete driveway and sidewalks had been added without approval from the City Engineering Dept. City inspectors also found a significant amount of interior remodeling being done – all without any permits – and with estimated value of about \$100k. A “Stop Work Order” was issued on July 14th and the applicant was compelled to submit a complete site plan and interior architectural drawings showing all the remodeling changes and new construction, as well as a certification from a licensed architect or engineer that the completed work indeed meets all applicable code requirements. In mid-August a site plan was submitted (see attached) as well as a full set of architectural drawings showing construction details, along with a licensed architect’s certification and more than 100 photos of the remodeling work. All of this was reviewed by appropriate City staff and received approval from the City’s Building Official for permitting purposes. (Engineering Dept issues relating to the driveway and sidewalk work in the right-of-way still remain unresolved) Building permits were issued to the applicant on August 21st to complete the remodeling work (including electrical, plumbing, mechanical, etc.), pending applicable final inspections and the outcome of the required public hearings. During the review, staff determined that an “accessory dwelling unit” was being created as a result of the interior remodeling, and this would require approval of a Conditional Use Permit (CUP). (The CUP request has now been submitted by the applicant for the September review cycle, with a final public hearing before City Council on October 8th).

*** Items and discussion relating to this CUP request are NOT relevant to this Variance request.*

When the applicant obtained the permit for the front porch expansion in January, the minimum front yard setback requirement in R-15 zoning at that time was 35 feet, and this was noted on the applicant’s permit and zoning approval form. This LDR requirement was later amended in April to only 30 feet. However, the front porch addition was constructed to a much larger size than indicated on the permit, and it extends to only 18’ from the front property line – a 12’ encroachment.

Variances are intended to relieve hardship beyond one’s control in instances where strict application of the regulations would be difficult or impossible to overcome. The fact the structure in question is already existing, should be considered irrelevant since the structure has been built without proper permit approvals. The Variance review should focus on this structure as simply being “proposed”. In this case, the request is for a front porch (portico) structure that is without walls, rather than a typical building expansion such as adding rooms, but it is still subject to minimum building setback requirements. However, most front porches are normally much smaller in size such as the house’s original porch which only extended 7’ from the building, rather than the 37’ now being proposed by the applicant. This is a large porch that seems out of scale with the rest of the building. The front wall of the building is already setback approximately 45’ from the property line which could allow a protruding front porch up to 15’ without variance. There is nothing unique or peculiar to the parcel or structure involved that warrants variance of this magnitude. The subject property is situated in the middle of an established R-15 neighborhood with large front yards. The proposed structure is inconsistent and out of scale with existing front setback characteristics of surrounding properties. The Variance is self-imposed by the applicant, it is inconsistent with the intent of the LDR regulations, and there is no recognized hardship.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and deny the request.

Variance Review Criteria

The following criteria shall be applied in evaluating and deciding any application for a Variance. No application for a Variance shall be granted by the Zoning Board of Appeals unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application.

(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.	
Applicant:	The house is on a sharp curved lot. We wanted to make driveway wider to accommodate more vehicles and keep from restricting traffic flow on the sharp curve and give easier accessibility to the house.
Staff:	No. There is nothing unique or peculiar to the land, structures, or buildings involved. The existing dwelling is already setback approximately 45 feet from the front property line.
(2) The variance is necessary because the particular physical surroundings, the size, shape or topographical conditions of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished for a mere inconvenience, if the provisions of the LDR are literally enforced.	
Applicant:	We don't want any financial hardship due to removing the structure we added from the curved lot and cause more disturbing construction to the community/neighbors with all the demolition.
Staff:	No. There is nothing unique about the size, shape, or topographical conditions that would result in unnecessary hardship if the LDR was strictly applied. The parcel is more than ½ acre in size with a very large buildable area.
(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.	
Applicant:	This is the style houses we build. We have a pattern of house we build for personal use in the general area.
Staff:	No. The parcel is similar to other R-15 zoned properties but with even greater room than typical for the siting of a house or a front porch addition.
(4) The condition is created by the regulations of Title 2 of the LDR and not by an action or actions of the property owner or the applicant.	
Applicant:	Applicant.
Staff:	No. The conditions have been created by the applicant.
(5) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.	
Applicant:	No. We believe it has been an enhancement to the neighborhood/community.
Staff:	No. The granting of the variance will not directly impair, hinder, or injure other properties.
(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.	
Applicant:	We are requesting a 13-foot variance with it being a sharp curved lot would make it possible for the 2 car carport to stay in the current location adding better access to the house.
Staff:	No. The actual variance request is for a 12' encroachment into the front setback area to allow a porch structure that projects 37' from the front of the house toward the street. This is beyond reason.
(7) The requested variance will not be inconsistent with the general spirit and intent of the LDR or the purpose and intent of the Comprehensive Plan.	
Applicant:	We are not obstructing any safety view from the road. The use of the structure will keep traffic out of the road and we have lessened the impact of a car coming out of a single car driveway on a busy street.
Staff:	No. The requested Variance is inconsistent with the intent of the LDR regulations to establish normal and reasonable front yard setback distances from property lines.

Relevant Development Standards in the LDR that are “Significant” to the Proposal

Section 214-1 Dimensional Standards of Zoning Districts

TABLE 1: Development Standards for Residential Zoning Districts

Zoning District	Minimum Lot Size (square feet)	Max Unit Density per Acre	Min. Lot Width (feet)	Min. Front Setback⁵ (feet)	Min. Side Setback (feet)	Min. Rear Setback (feet)	Max. % Impervious Surface⁴	Max. Bldg. Height (feet)
R-E	1 Acre	1	150	35	10 / 30	40		35
R-25	25,000	1.7	125	35	10 / 30	30		35
R-15	15,000	2.9	100	30	10 / 25	25		35
R-10	10,000	4.3	80	20 Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line	10 / 20	25		35
R-6	6,000 2,500 Single-family attached 9,000 Duplex	7.2 Single-family attached 4.8 Duplex	60	20 Except that a front facing garage or carport opening shall be set back a minimum of 30 feet from the right-of-way line	8 / 15	20		35

Staff Review Departmental Comments:

Engineering: Engineering has no concerns; there are no easements across the front of the yard and this doesn't affect the site triangle of the curve.

Fire: Fire Department has concern of access to the house since carport may be lower than our trucks may go through. If we have an emergency, we may not be able to access the property.

Utilities: No Comments

Public Works: No Comments

Police: No comments

Plan Review: No Comments.

Health Department: No Comments

Attachments:

- Zoning location map
- Aerial location map
- Site plan
- Building permit
- Before and after photos

APP-2015-04 Zoning Location

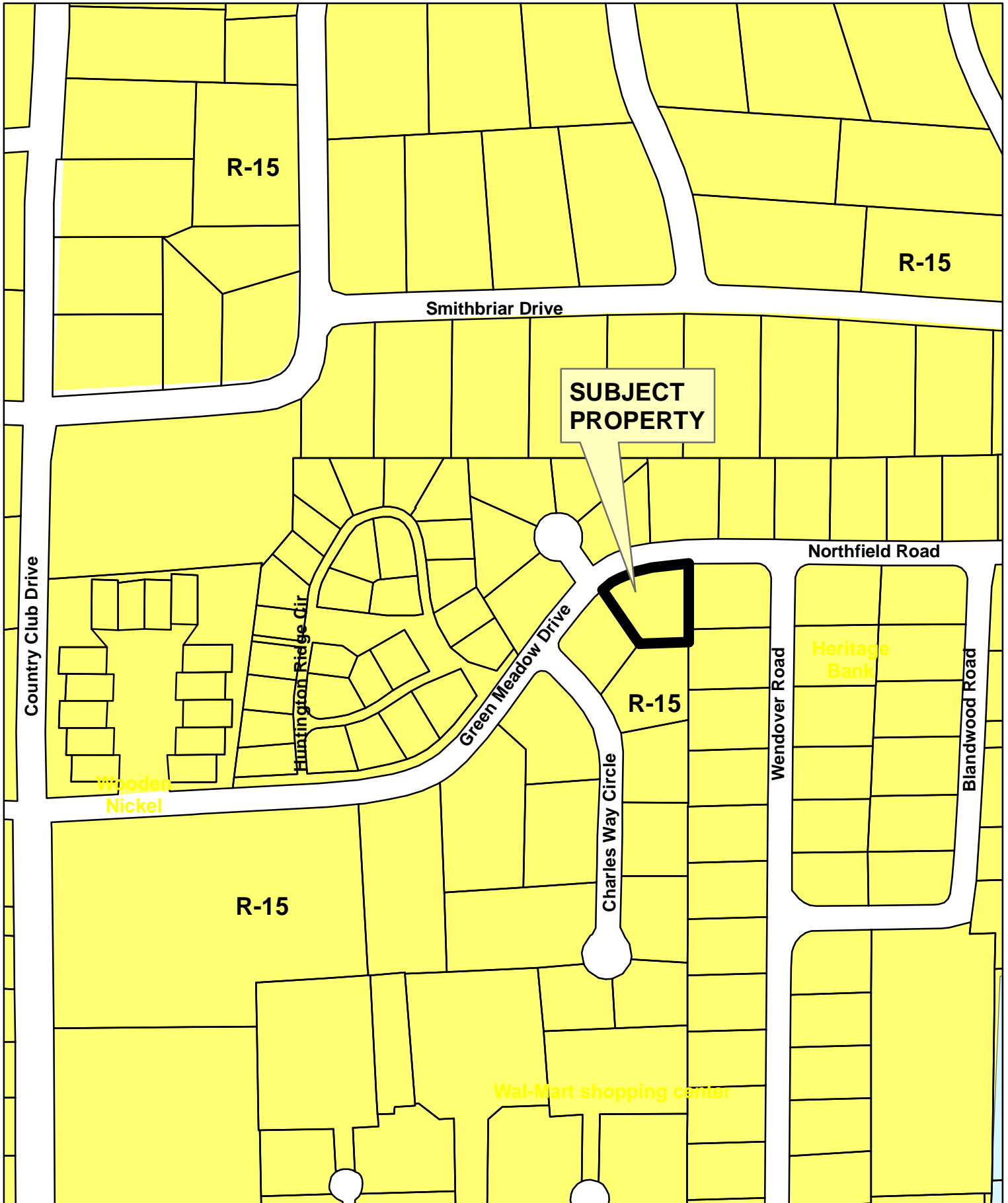


**Charles Bennett
Variance Request**

2891 Green Meadow Drive
Tax Map: 111A Parcel: 110

200 100 0 200 Feet

** Map Data Source: VALOR GIS, August 2015



APP-2015-04 Tax Parcels Aerial



Charles L. Bennett
Variance Request

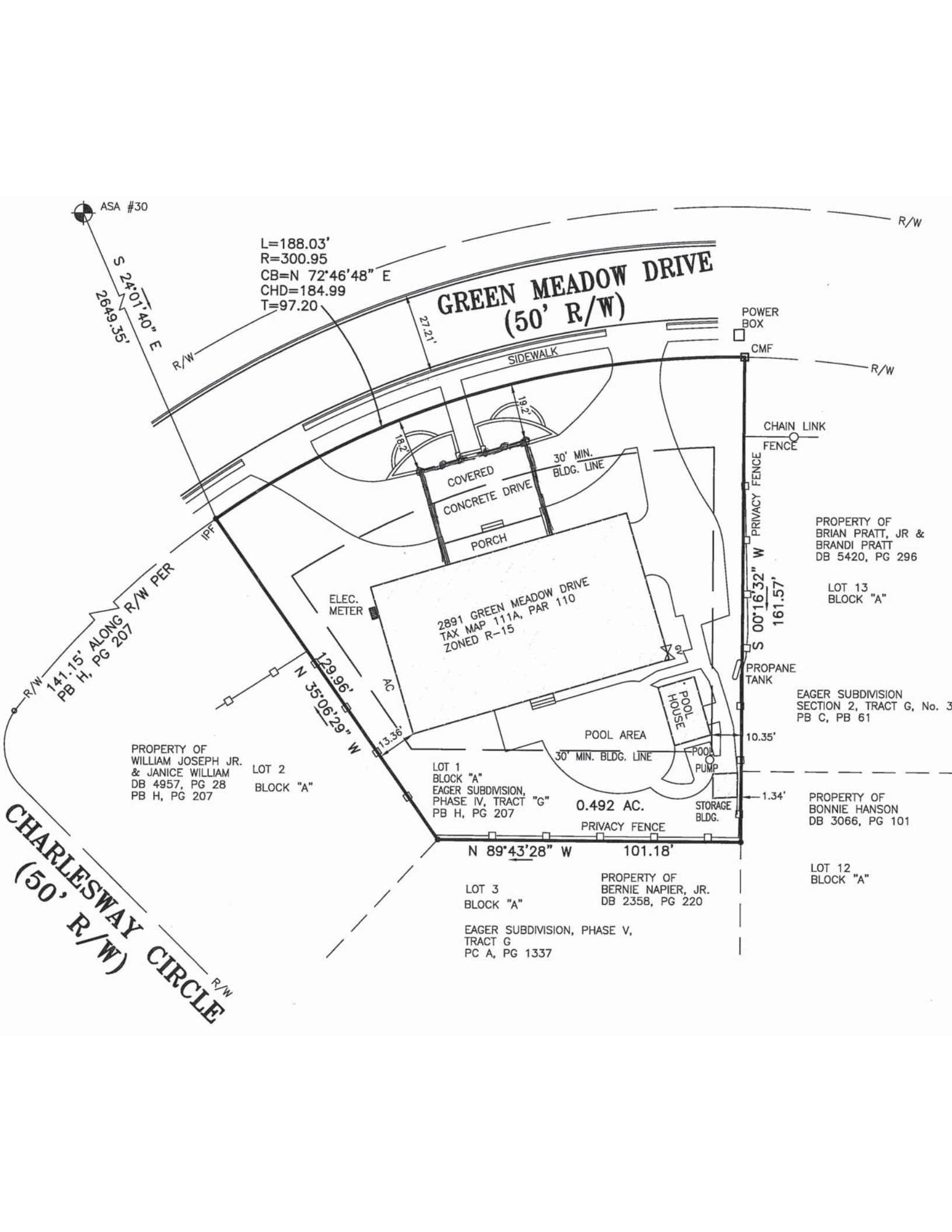
*** Aerial Imagery Date: 2007*

2891 Green Meadow Drive
Tax Map: 0111A Parcel: 110

50 25 0 50 Feet

*** Map Data Source: VALOR GIS, August 2015*





ASA #30

S 24°01'40" E
2649.35'

L=188.03'
R=300.95
CB=N 72°46'48" E
CHD=184.99
T=97.20

**GREEN MEADOW DRIVE
(50' R/W)**

POWER BOX
CMF

COVERED
CONCRETE DRIVE
PORCH

2891 GREEN MEADOW DRIVE
TAX MAP 111A, PAR 110
ZONED R-15

ELEC. METER

CHAIN LINK
FENCE

PROPERTY OF
BRIAN PRATT, JR &
BRANDI PRATT
DB 5420, PG 296

LOT 13
BLOCK "A"

PROPERTY OF
WILLIAM JOSEPH JR.
& JANICE WILLIAM
DB 4957, PG 28
PB H, PG 207

LOT 2
BLOCK "A"

LOT 1
BLOCK "A"
EAGER SUBDIVISION,
PHASE IV, TRACT "G"
PB H, PG 207

POOL AREA

POOL HOUSE

PROPANE TANK

EAGER SUBDIVISION
SECTION 2, TRACT G, No. 3
PB C, PB 61

PROPERTY OF
BONNIE HANSON
DB 3066, PG 101

LOT 12
BLOCK "A"

0.492 AC.

PRIVACY FENCE

POOL PUMP

STORAGE BLDG.

LOT 3
BLOCK "A"

PROPERTY OF
BERNIE NAPIER, JR.
DB 2358, PG 220

EAGER SUBDIVISION, PHASE V,
TRACT G
PC A, PG 1337

**CHARLESWAY CIRCLE
(50' R/W)**

R/W
141.15' ALONG R/W PER
PB H, PG 207

N 35°06'29" W
129.96'

N 89°43'28" W 101.18'

S 00°16'32" W
161.57'

10.35'

1.34'

SIDEWALK

30' MIN.
BLDG. LINE

30' MIN. BLDG. LINE

R/W

R/W

IPF

AC

13.36'

27.21'

18.2'

18.2'

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City of Valdosta / Lowndes County

Building Codes Enforcement – Members International Code Council
City Hall Annex / 300 N. Lee St. – PO Box 1125 / Phone 229-259-3506
Valdosta, Georgia 31603

CV-Res Addition Permit

Issue Date: 1/9/2015

Location: 2891 GREEN MEADOW DR
Subdivision: EAGER
Building Permit:

Permit Fee: \$60.00

Type of Improvement: CV-Res Addition

VALDOSTA - VALDOSTA

Permit Number: 2015-00000113

Value of Construction: 10000.00

Lot:

Zone: R-15

Parcel: 0111A 110

Improvement Square Footage: 374.00

Tenant/Owner: CHARLES BENNETT
Address: 2891 GREEN MEADOW DR
City/State/Zip: VALDOSTA, GA 31602

229-560-3598

Contractor: HOWARD WILLIAM R & SARA V
Address: 2891 GREEN MEADOW DRIVE
City/State/Zip: VALDOSTA, GA 31602

Building Information:

Proposed Use Residential:	Single Family Detached		
Historical Approval Number:	.01		
Zoning Approval:	01/09/2015		
Setbacks Primary Front:	35		
Setbacks Secondary Front:	N/A		
Setbacks Rear:	30		
Setbacks Side:	10		
Number of Floors:	N/A		
Number of Bedrooms:	0		
Number of Full Baths:	0		
Number of Half Baths:	0		
Elevator:	No		
Heating Fuel:	0		
Fireplace:	0		
Power Company:	0	Fire Protection:	0
Electrical:	No	Mechanical:	No

Comments:

11 X 34 ATTACHED CARPORT



DO NOT: Pour concrete, cover framing nor occupy building until all inspections have been made. If Electrical, Plumbing, Mechanical, or Auto-Sprinkler work is done, a separate permit is required. Call 1-800-282-7411 at least 72 hours prior to digging to be in full compliance with the law.

This permit will become null and void if authorized work is not commenced within six (6) months of permit date or if project is abandoned for a period of six (6) months. UNDER THESE CONDITIONS THE FEE IS NON-REFUNDABLE.

Note: There will be a \$50.00 Administrative Fee on all canceled Permits.

APP-2015-04 Before & After photos



LC Tax Assessor photo - 2005



7-14-2015