~~June 7, 2006 BZA~~
September 6, 2006 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0295

Wilton and Patricia Klement

Dale Magisterial District
5639 Benika Drive

REQUESTS: I. A 1.5 foot Variance to the five (5) foot side yard setback requirement for an existing attached carport.

II. A five (5) foot Variance to the thirty (30) foot front yard setback requirement for an existing attached carport.

RECOMMENDATION

Recommend denial of these Variances for the following reasons:

A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area that have carports.

B. The applicant has provided no information that there are such unusual circumstances about this property that adherence to the required setback requirements would cause an undue hardship.

C. There is an alternative to these requests that do not violate the building (attached carport) setbacks.

GENERAL INFORMATION

Location:

Property is known as 5639 Benika Drive. Tax ID 779-685-4573 (Sheet 12).

Existing Zoning:

R-7

Size:

0.3 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Residential
East - R-7; Residential
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan) Residential (2.51 – 4.0 units per acre)

DISCUSSION

The applicants had an aluminum carport installed on the subject property by a supplier. The carport which is attached to the dwelling is located 3.5 feet from the side yard property line. The Zoning Ordinance allows carports open on three (3) sides to encroach up to five (5) feet from the side property line. Therefore, the applicants request a 1.5 foot Variance. The applicants have also indicated the carport is located twenty-five (25) feet from the front property line. The Zoning Ordinance requires a thirty (30) foot front yard setback requirement in a Residential (R-7) District. Therefore, the applicants request a five (5) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

> The carport was a gift from my children. I am a sixty-four (64) year old woman with a severe disability and have a history of heart problems. I have taken several bad falls and there was concern that inclement weather would play a large role in concern for my safety. Hence, my family felt that this would keep me and my vehicle out of inclement weather, it offers me a direct path from my covered front porch to my new safety featured sidewalk to

my vehicle parked under the carport. I am completely disabled, my husband experiences problems with knees, vision, shoulders, blood pressure, he has had several operations for these health problems. The carport allows us safety and better, easier access to and for our vehicles. If the carport were to be moved it would be devastating, I have been a nervous wreck since receiving notification. Plus, the carport cannot be moved back due to sewer line and heat pump. I don't know financially how we could do this as I receive disability and my husband has not worked since February due to health problems. The carport was placed there three (3) years ago at which time I asked the supplier about any county ordinances, I was told Chesterfield did not have any.

The Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance by installing a carport 3.5 feet from the side property line and twenty-five (25) feet from the front property line. This request is in response to staff's investigation.

Staff's field inspection revealed an aluminum carport open on four (4) sides located to the left of the dwelling. The subject property is located in the North Chesterwood Subdivision. This is an older, well established neighborhood just north of Cogbill Road. The carport is attached to the dwelling by two (2) metal straps on the ground. The carport is approximately two (2) feet from the dwelling. The applicants have indicated the carport was placed there approximately three (3) years ago by a supplier.

The applicants have not provided any information, as required by the Zoning Ordinance, which would serve as a basis for the granting of this Variance. Staff believes that this request does not meet the test for Variances as specified in Section 19-21 (b) of the Chesterfield County Zoning Ordinance.

Staff finds no conditions upon which this request is based which are unique to the subject property and do not apply generally to other properties in the immediate area. Therefore, staff cannot support these Variance requests.

There is an alternative that exists that would eliminate the need for these Variances. The carport is located approximately two (2) feet from the dwelling. The carport could be located closer to the dwelling meeting the side yard setback requirement and moved five (5) feet farther from the front property line meeting the front yard setback requirement. By moving the carport closer to the dwelling and farther back from the front property line the applicants could still enjoy the benefits of having a carport.

However, if the Board feels that this request has merit, staff recommends that the request be subject to the following condition:

CONDITION

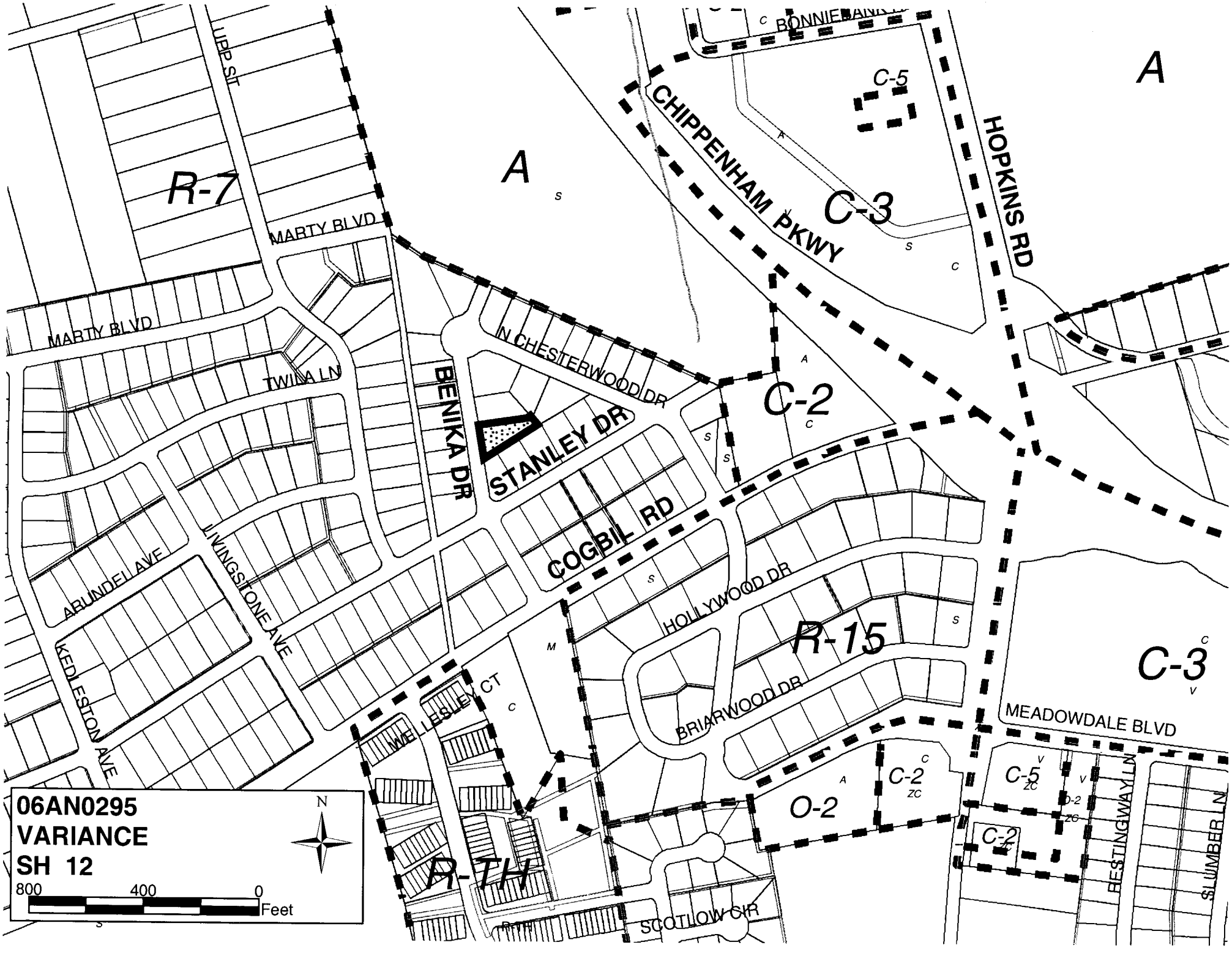
This Variance shall be for the existing attached carport only and no other additions or structures shall be added.

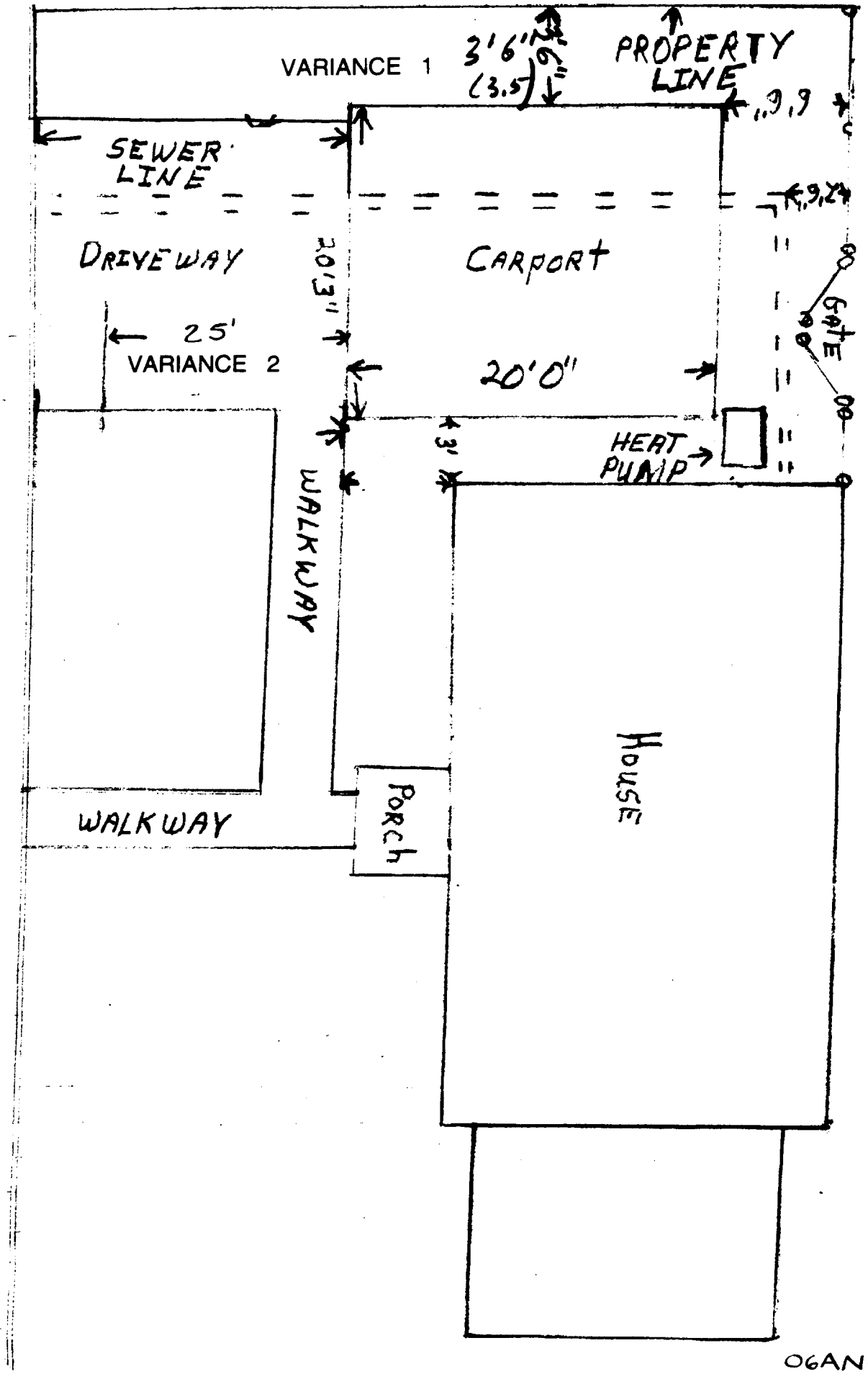
Note: This condition should be applied to each Variance request.

CASE HISTORY

06/07/06:

The Board of Zoning Appeals deferred this request to their September 6, 2006, meeting to allow the applicants time to move the carport.


06AN0295
VARIANCE
SH 12
800
400
0
Feet
N
R-7
A
C-5
C-3
A
CHIPPENHAM PKWY
HOPKINS RD
BONNIE BANK
MARTY BLVD
MARTY BLVD
TWILA LN
BENIKA DR
N CHESTERWOOD DR
STANLEY DR
C-2
COGBIL RD
HOLLYWOOD DR
R-15
C-3
ARUNDEL AVE
LIVINGSTONE AVE
KEDLESTON AVE
WELLESLEY CT
BRIARWOOD DR
MEADOWDALE BLVD
C-2
C-5
O-2
C-2
RESTINGWAY LN
SLUMBER LN
R-TH
SCOTLOW CIR


VARIANCE 1
3'6" (3.5)
PROPERTY LINE
SEWER LINE
DRIVEWAY
CARPORT
20'3"
25'
VARIANCE 2
20'0"
GATE
3'
HEAT PUMP
WALKWAY
BENIKA DRIVE
WALKWAY
PORCH
HOUSE

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