

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 3

CASE NUMBER: BOA 13-05 **B.O.A. MEETING:** February 27, 2013

DEVELOPMENT NAME: Skvarla setback

LOCATION: 204 Cherokee Drive

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: John M. Skvarla

REPRESENTATIVE: Kelly Kirk

REQUEST: To allow a variance from Section 3.6.1 of the UDC for an encroachment into the rear yard setback

AREA: .25 acres

EXISTING LAND USE & ZONING: Residential-6 Zoning District (R-6)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS

CONCLUSIONS:

The applicant is requesting a variance to allow a 10-foot encroachment of an addition to the primary structure into the rear yard setback.

The applicant is requesting to construct a two-story addition to the primary structure located at 204 Cherokee Drive. The addition will consist of a master bedroom and a bonus room. The new construction would extend into the 15-foot rear setback of the property.

The proposal will not have a substantial or undue adverse effect upon adjacent property or the character of the neighborhood.

LAND USE AND ZONING MAP



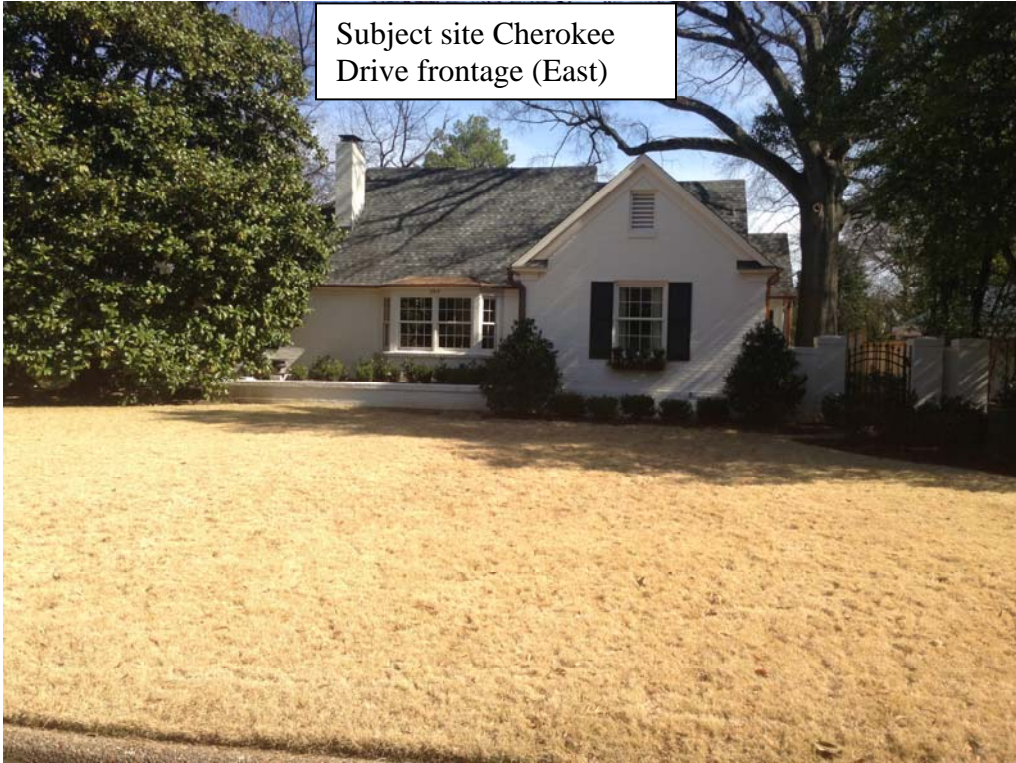
SURROUNDING LAND USES AND ZONING:

North: Residential
East: Residential
South: Residential
West: Residential

Aerial of Site



The subject site has frontages along Cherokee Drive

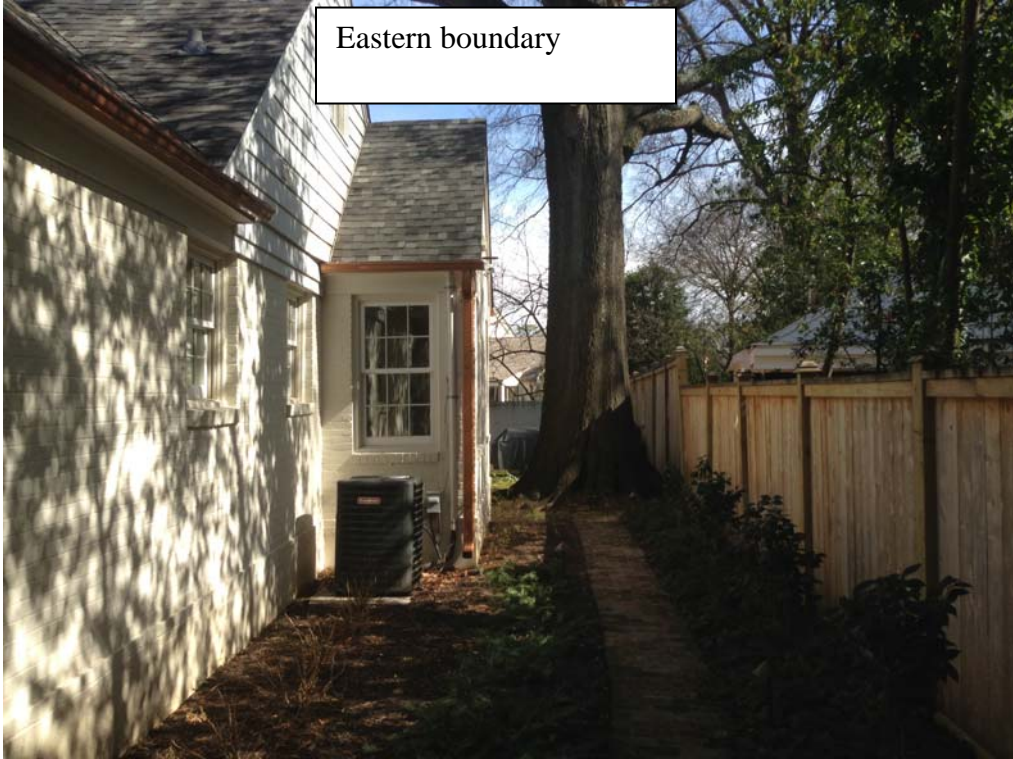




Subject site facing east
(rear yard)



Subject site facing west



STAFF ANALYSIS:

This application is a request for a variance within the R-6 Zoning District. The applicant requests to allow an addition to the primary structure to extend into the rear yard setback. The site is located at 204 Cherokee Drive.

The applicant proposes to construct a two-story addition to the existing home. The addition to the home will consist of a master bedroom in addition to an attached garage on the ground floor and a bonus room on the second-story. Currently, the home located at 204 Cherokee Drive is approximately 2,391-square-feet and the addition to the home would net an additional 824-square-feet of heated space.

The existing home was constructed during the late 1930's and the lot in its current setting when combined with the Section 3.6.1 rear yard setback standards, restrict most additions to the property owners home. The home in its current setting jogs along the rear yard setback as do many of the homes within the community. The applicant has worked with an architect to design additions to the home that will continue to afford the neighbors abutting the property the ability to maintain their privacy. The property's existing landscaping acts as screen which will limit visibility of the new addition from the Cherokee street frontage and soften the view of the new construction to the abutting lots.

The single-family residential districts are intended to accommodate one single-family detached principal dwelling unit per lot. These districts should be applied in areas where the land-use pattern is predominately single family residential or where such a land use pattern is desired in the future.

Variances:

To allow a variance from Section 3.6.1 of the UDC for an encroachment into the rear yard setback.

The applicant will preserve and maintain existing plantings to the property and will not install windows facing west on any new additions to the home above the first-story.

The proposal is compatible with other developments in the immediate area and is supported by the UDC Paragraphs 9.22.6A(1,4,5):

- Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district: exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any other extraordinary and exceptional situation or condition;

- That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code;
- The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

RECOMMENDATION: Approval with Conditions

1. The subject site shall comply with the site plan as submitted.
2. The applicant shall not install windows facing west on any new addition to the home above the first-story.
3. The applicant shall maintain and preserve the existing plantings and trees to the home to serve as a buffer for the new additions to the home.
4. The applicant shall maintain that neither the eight-inch sanitary sewer nor its five-foot easement is encroached upon at the rear east property line.

GENERAL INFORMATION:

Street Frontage: Cherokee

Planning District: University

Zoning History: R-6

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer: Comment received.

County Engineer: No comment received.

Memphis Fire Department: No comment received.

City Board of Education:

OPD-Plans Development/Landmarks: No comment received.

OPD-Regional Services/Transportation: No comment received.

City Real Estate: No comment received.

OPD-Construction Code Enforcement: No comment received.

Memphis, Light, Gas & Water: No comment received.

**Memphis & Shelby County
Health Department:** No comment

Bell South/ATT: No comment received.

MATA: No comment received.

NEIGHBORHOOD ASSOCIATIONS NAMES: