

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

CASE NUMBER: BOA 13-19 **B.O.A. MEETING:** May 22, 2013

LOCATION: 1719 Harbert Avenue

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: George Cates

REPRESENTATIVE: Charles Shipp

REQUEST: Variance from Section 3.6.1 of the UDC for an encroachment into the rear and side yard setback

AREA: .37 acres

EXISTING LAND USE & ZONING: Residential-8 Zoning District (R-8)

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL WITH CONDITIONS

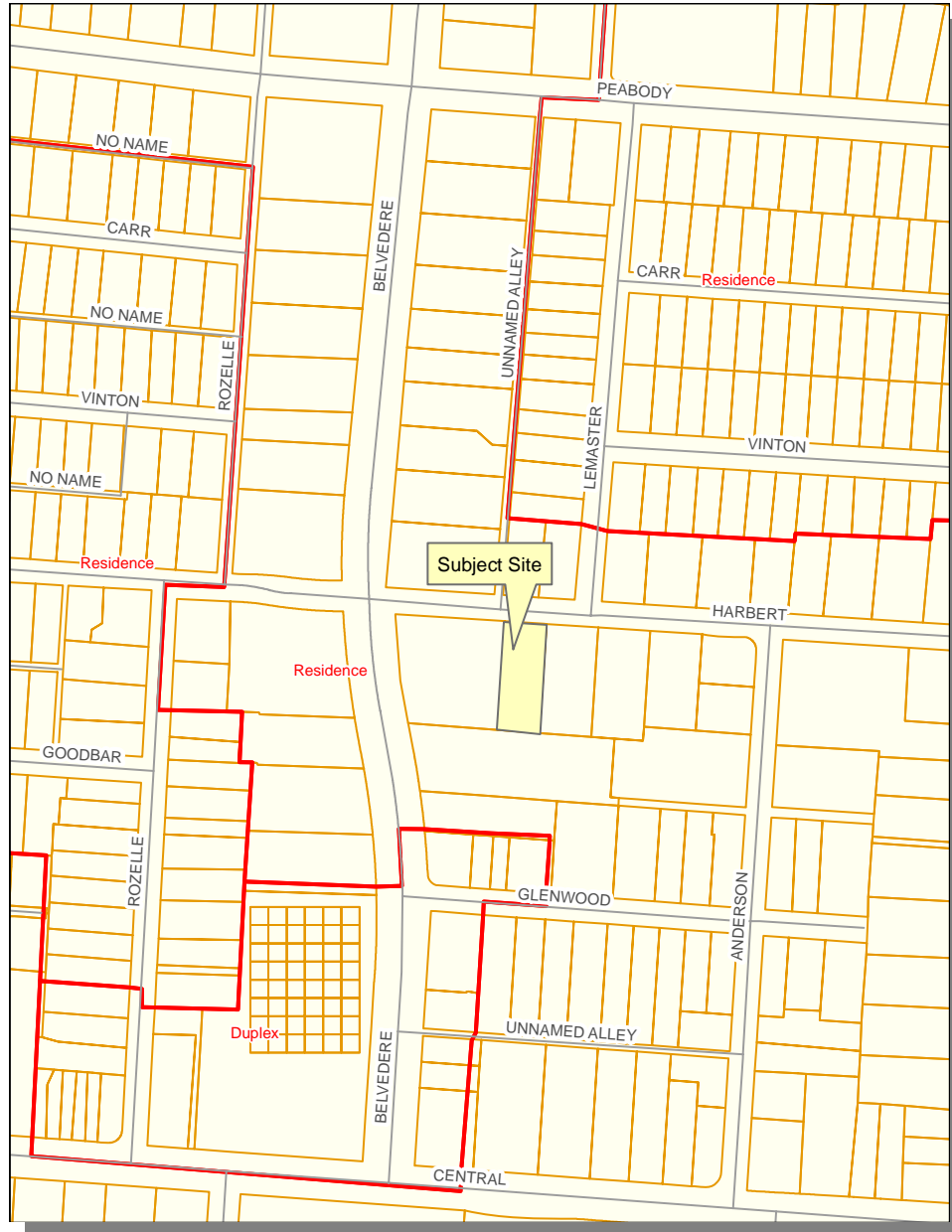
CONCLUSIONS:

The applicant is requesting a variance to allow a 9-foot,-3-inch encroachment of an addition to the primary structure into the rear yard setback and to bring the property in conformance with the UDC by authorizing the existing garage a variance to encroach into the side yard setback by 1-foot,-2-inches.

The applicant is requesting to construct a one-story addition to the primary structure located at 1719 Harbert Avenue. The addition will consist of an office and a bathroom. The new construction would extend into the 20-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.

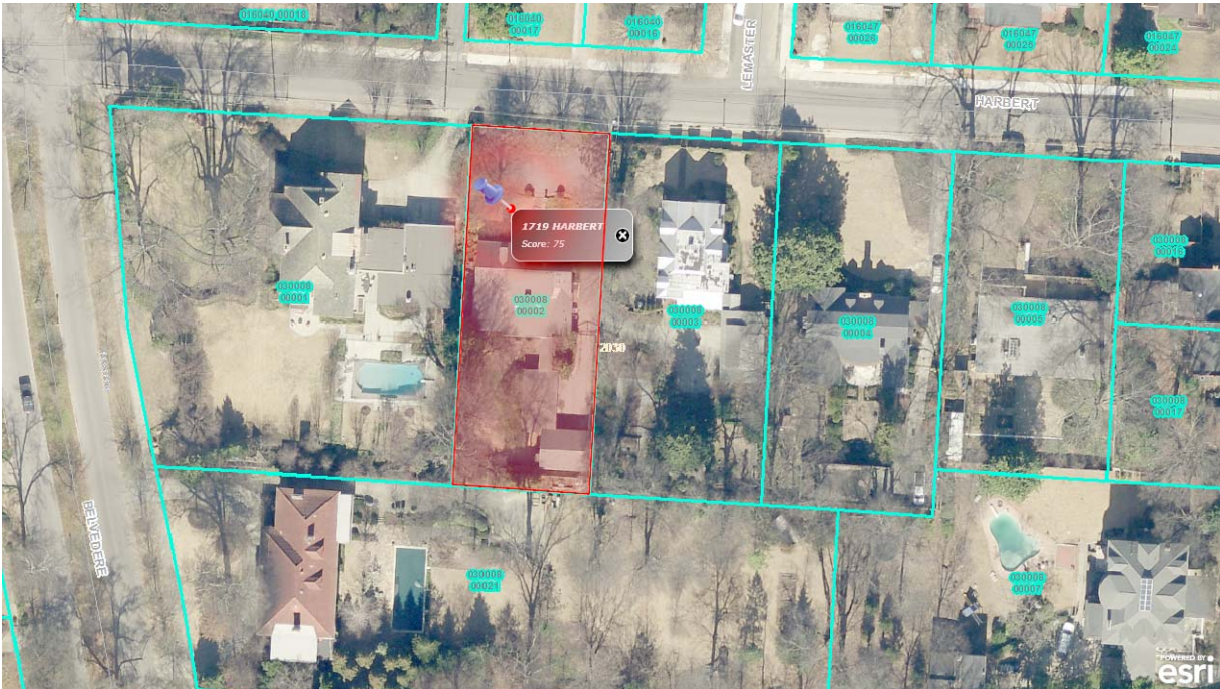
LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

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

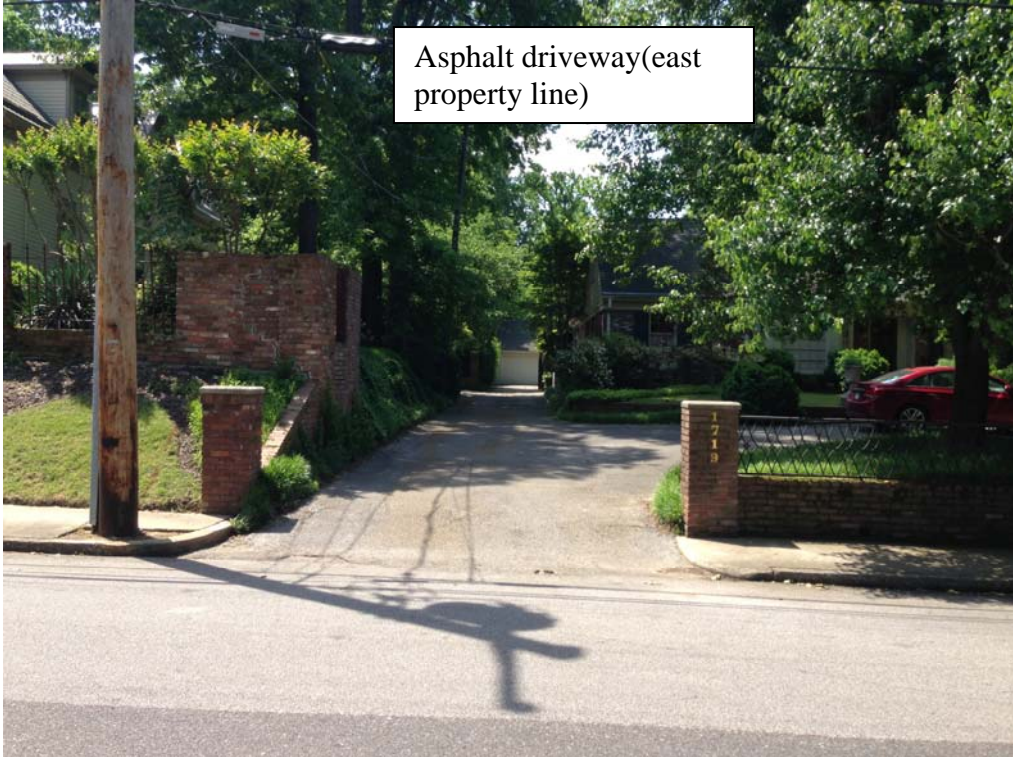
Aerial of Site



The subject site has frontage along Harbert Avenue.



Subject site Harbert Avenue (facing south)



Asphalt driveway (east property line)



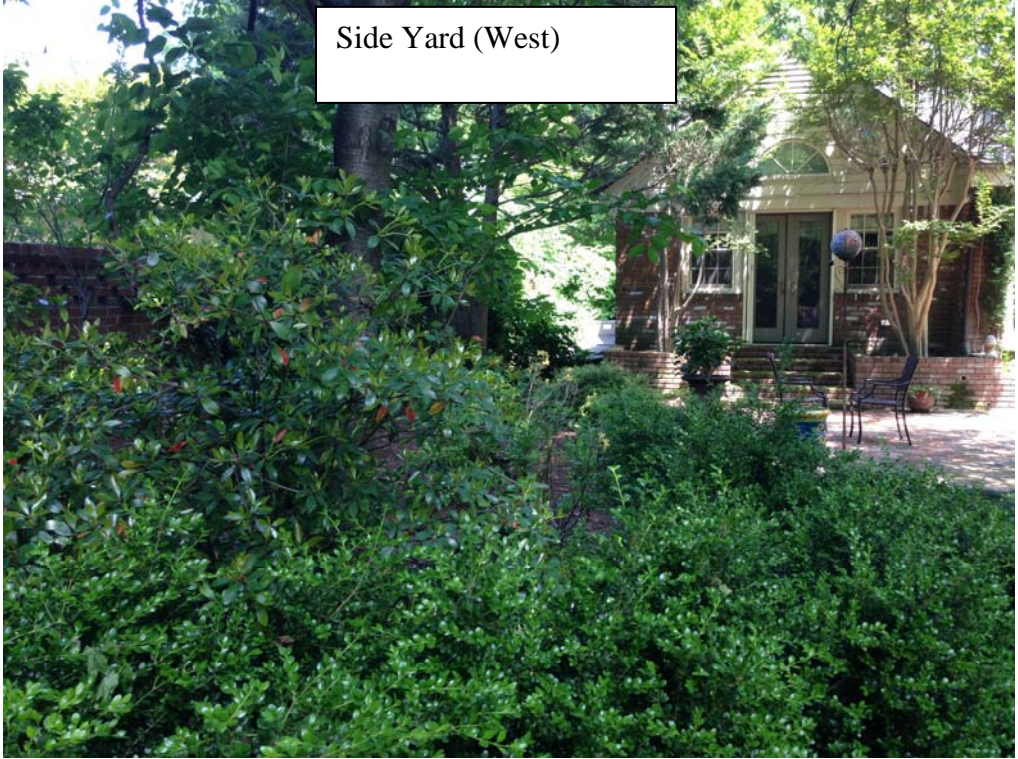
Subject site facing south
(east side of home)



Subject site facing south
(west side of home)



Rear yard (South)



Side Yard (West)

STAFF ANALYSIS:

This application is a request for a variance within the R-8 Zoning District. The applicant requests to allow an addition to the primary structure to extend into the rear yard and side yard setback. The site is located at 1719 Harbert Avenue.

The applicant proposes to construct a one-story addition to the existing home. The addition to the home will consist of an office in addition to full bathroom. Currently, the home located at 1709 Harbert Avenue is approximately 3,575-square-feet and the addition to the home would net an additional 280-square-foot of heated space.

The existing home was constructed during the late 1960'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 front yard setback is further back from the property line than other homes along Harbert Avenue and the width of the lot presents an impractical situation to the property owner. 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 a screen which will limit visibility of the new addition from the abutting properties and the addition will not be viewable from the Harbert Avenue frontage.

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 and side yard setback.

The applicant will preserve and maintain existing plantings to the property and will not install windows facing east on any new additions to the home.

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 south on any new addition to the home.
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.

GENERAL INFORMATION:

Street Frontage: Harbert
Planning District: Central Gardens
Zoning History: R-8

DEPARTMENTAL COMMENTS:

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

City Engineer: No Comment

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 No comments by the *Water Quality Branch & Septic Tank Program.*

Health Department: No comment

Bell South/ATT: No comment received.

MATA: No comment received.

NEIGHBORHOOD ASSOCIATIONS NAMES:

Central Gardens No comment