

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Proposed rear porch is in a private, enclosed rear yard and is not accessible to the general public.

2. Explain how the variance will not alter the essential character of the general vicinity.

All designs will be approved by the Landmarks staff for the Cherokee Triangle Preservation district.
There are also other properties in the vicinity that have reduced private yards.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

There is no public access - the private yard is separated from front and alley by privacy fencing, gates and garage.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will need to be required before construction to allow the private yard to be reduced to 1692 SF or 78% of the required 2160 SF and there are other lots in the area which have similar private yards between the garage and the house that may not meet the 30% requirement.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Existing rear carriage house is deep and set back from alley to align with adjoining garages. Previous addition to the home extends into the rear yard.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Screened porch could not be at the rear of the residence not allowing owner to enjoy the rear yard.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The construction of the new screen porch will create the circumstances which now require the applicant to seek relief to allow the side yard setback to be reduced.

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