

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.

We have made upgrades and improvements to our existing garage, which pose no threat to public health, safety, or welfare. We are converting the existing garage to a pool house and are following all current requirements. The location of the accessory structure is the same as when the garage was built in the 1950's.

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

The character of the pool house is traditional and thus compatible with the design elements of the neighborhood. The accessory structure also enhances the existing design elements through its upgrades. The conversion makes the accessory more versatile, which enhances the unique site and demonstrates potential for enhancing the surrounding community design elements. Accessory structures similar in nature could help achieve certain goals and objectives intended to address the growing population trend laid out in Plan 2040, specifically within the Plan Element of Housing.

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

The variance is so the second story of the conversion can also encroach 11 inches into the 2 feet side setback directly above what was the original garage. The converted structure does not interfere with anything in the adjoining neighbor's yard as the second story is directly above the existing footprint. Where required, the conversion will comply with all regulations to mitigate hazard to the public. In addition, we have been in communication with the affected neighbors about the project prior to the start of construction in November and kept them updated throughout the process. At the same time our inspector informed us of a need for a variance, the affected neighbors voiced concern about privacy from the second story landing at the top of the stairs. We have adjusted our design to include an 8 ft privacy wall on the adjoining neighbor's side to address their concern.

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

The pool house was approved by planning and design in August 2020. It is not an additional living space. The variance will only allow the new second story to also encroach 11 inches into the 2 ft side setback as the existing garage already encroached.

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).

The existing garage was built around 70 years ago within 2 feet of the side setback. We are only converting the existing structure to a pool house within the existing footprint. Based on the age of the neighborhood, it is very likely there are other garages that also encroach on the side setback.

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.

The existing garage already encroached 11 inches into the side setback. Not allowing the second story to also encroach would deprive reasonable use of the land. The strict application of the provisions of the regulation would be an extreme hardship because the need for a variance was brought to our attention near the end of construction. The conversion is almost completed, and the financial implications would create unnecessary hardship.

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 original garage was built prior to the adoption of the regulation and already encroached 11 inches into the 2 ft side setback. The applicant would like to finish converting the original garage into a pool house using the existing footprint by adding a second story. The variance is needed after the adoption of the regulation to complete the project by allowing the second story to also encroach 11 inches into the 2 ft side setback.

RECEIVED

FEB 08 2021