

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.

The guideline states that one must maintain 30% area of entire lot between the house and the secondary structure, which in most instances would push secondary structures to rear of property (abutting alley). In this instance, there is no alley, therefore pushing secondary structure would cause more drive lane to be built (instead of green space), and would also require the removal of a mature Japanese Maple tree. Many of the secondary structures on this st do not meet the req's of the private yard area guidelines because there is no alley.

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

Because there is no alley behind this house, the other secondary structures you see on this street are characteristically moved into the required private yard area. Many of the secondary structures on this st do not meet the req's of the private yard area guidelines because there is no alley, therefore allowing this variance would keep with the characteristics of the existing neighborhood and street wall.

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

Strict application of the guideline in this instance would adversely affect the applicant and their neighbors as they would lose additional rear yard green space that would otherwise be maintained if this variance were granted. Additionally, this narrow lot would be consumed to a large degree by drive lane to access secondary structure, which would be an additional cost to clients. Other than these factors, this requested variance is in the rear of the property, meeting all other building setbacks.

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

The zoning regulations presumably are intended for properties with alleys behind them. This property does not have an alley behind it. Further, precedents have been set on this street, as many of the other accessory structures do encroach on the rear private yard area 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).

This property does not have an alley behind it. Further, precedents have been set on this street, as many of the other accessory structures do encroach on the rear private yard area requirement. Other factors that affect cause for the requested variance are wanting to preserve a mature Japanese Maple on the site, preserving as much green space as possible, and reducing client cost on drive construction.

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.

Strict application of the guideline in this instance would adversely affect the applicant and their neighbors as they would lose additional rear yard green space that would otherwise be maintained if this variance were granted. Additionally, this narrow lot would be consumed to a large degree by drive lane to access secondary structure, which would be an additional cost to clients. Other than these factors, this requested variance is in the rear of the property, meeting all other building setbacks.

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 client wishes to build a new garage in the rear of the property. There is no existing garage currently. The private rear yard regulations are already in place. There is an existing mature Japanese Maple, which affects this request for variance.