

JUSTIFICATION

To justify approval of any variance, the Planning Commission considers the following criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or n/a** will **not** be accepted.

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

The property in question is a private yard which already has a guest house structure that is ~1' from back property line, and we are asking for 2' for the new structure, as we may be able to use the existing foundation. The yard does not back up to another structure or alley, and only backs up to a privacy fence, with the back yard of a neighbor on the other side. The neighbor attended our COA Committee meeting on Mar 15, 2023 and stated on record they have no issues with the variance to the 5' rule.

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

There is an existing, original structure in the same general area. A carriage house was original to the home, and many of our neighbors also have carriage/guest houses. Since we are backing up to a private yard, and not an alley, the distance of the structure to the neighbor's yard isn't noticeable from the street. Also, we are maintaining the allowed set back on the side of the house that faces the alley, so the structure lines up with the other garages and structures down the row of properties.

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

The neighbor who has a yard behind us is used to looking at a structure in our yard because there is an existing carriage house today that sits only ~1' from her property line. There is a privacy fence dividing our properties today. Also, the existing structure has a bay window which juts out over her property line, and we are eliminating this in the new structure. Our new structure will be 2' away from the line, and will not have a bay window. The neighbor attended our COA Committee meeting on Mar 15, 2023 and stated on record they have no issues with the variance to the 5' rule.

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

Since the existing structure is only ~1', and there is a privacy fence separating our yard and our neighbor's yard, building the new structure at a 2' setback will be an improvement from the current situation. The side of the new structure that sits on the alley is aligned with the other structures and follows the outlined variances.

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

Our property is unique in that the back edge of our property line backs up to a neighbor instead of to an alley. So the structure being closer to the back of the property (as it is today with the existing structure) doesn't pose any issue with cars or other traffic coming close to the building.

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.

To leave 5' of space between the new structure and the back of the property line would leave 5' of unusable space that would be difficult to maintain. We are asking for 2' of distance between the neighbor's privacy fence and the new structure, so that we can best use the yard space and increase the value of our property by adding a two-car garage. If we do not get the variance approval, then the structure will not include a two-car garage, reducing the value add to our property. Also, we would like the ability to use any of the existing foundation, if possible, which is currently sitting ~1' from the property line.

Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

NO, this section does not pertain to our circumstances