

Docket No. 22-ZONE-0065; 205 & 207 Meridian Ave Variance Justification:

Applicants Cheryl and Dan Fultz hereby request a variance of LDC Section 5.2.4.C.4 and 5.1.12 to exceed the infill front setback range for the following reasons:

1. The variance will not adversely affect the public health, safety or welfare because this requirement is simply one of aesthetics and does not negatively affect this development. There are no sight distance issues created by this variance.
2. The variance will not alter the essential character of the general vicinity because the streetscape and the aesthetics of the area are not negatively affected by this variance and the plan provides for the preservation of one of the existing homes and two new units closer to Meridian Drive so the streetscape will largely remain the same. The development site is adjacent to an office building and associated parking to the north and the rear yards of properties on Nanz Avenue to the south. The existing dilapidated structure at 207 Meridian Avenue is set back 148 feet from the street so the existing condition is more out of compliance than as proposed. All other LDC requirements will still be met.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic, and which will not cause hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because by exceeding the setback, the applicant is enhancing the streetscape and the aesthetics of the area.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because otherwise the buildings would have to be reduced in size or eliminated making the project financially infeasible.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.