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**The Courtyards, Case #17subdiv1026  
Variance Request Justification**

JAN 18 2018

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The Courtyards design calls for aligning the rear of the houses which results in a staggered front building setback and creating a unique look within the subdivision. It opens up and creates a more aesthetically pleasing streetscape. In addition, the zero foot side yard alternating with the private courtyard/larger proposed side yard on one side of each lot is provided for the enjoyment of the resident.

1. A variance from Section 7.11.10.C., Dimensional Standards, of the LDC is requested to increase the maximum front yard from 25 feet to as much as 40 feet to provide a staggered front building setback.
  2. A variance from Section 7.11.10.C., Dimensional Standards, of the LDC is requested to reduce the side yard on one side of each lot from 3 feet to 0 feet, while providing an increased minimum 6 foot side yard on the other side.
- **Will not adversely affect the public health, safety or welfare:** The requested variances will not adversely affect the public health, safety or welfare since the proposed placement of the house on the lots and the lot configuration will be consistent throughout the subdivision, since all utilities and appropriate access will be provided and since where the roadway of the subdivision extends to the property line and to existing or future development, an open space is provided on both sides to provide a transition area for the unique setbacks proposed.
  - **Will not alter the essential character of the general vicinity:** The variances will not alter the essential character of the general vicinity for the reasons stated above, and based on the fact that a standard R4 subdivision has a minimum 30' front yard and no maximum setback. Sidewalks and street trees will be provided similar to a standard subdivision. In addition, this development includes the provision of open space to soften the transition where the roadway of the subdivision extends to the property line and to existing or future development.
  - **Will not cause a hazard or a nuisance to the public:** The variances will not impact development beyond this subdivision, but rather allow for the creation of a unique look within the subdivision. Since appropriate access and utilities will be provided to serve the subdivision and will extend to the adjacent properties, for these and all reasons mentioned above, the variances requested will not cause a hazard or a nuisance to the public.
  - **Will not allow an unreasonable circumvention of the requirements of the zoning regulations:** Since there are no negative impacts anticipated resulting from the variances, and since it is expected that the resulting streetscape will be improved with the staggered building setbacks, since the zero lot line on one side allows for an enhanced private courtyard for each home; and since neither of these requests impacts development outside of this subdivision, the granting of this request will not result in an unreasonable circumvention of the requirements of the zoning regulations.

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**Additional consideration:**

- **The requested variance arises from special circumstances, which do not generally apply, to land in the general vicinity, or in the same zone. (Please specify/identify):**  
The developer is creating a unique building and lot configuration with emphasis on a staggered front house setback and the provision of a private courtyard for each lot within the subdivision. This is a special circumstance which does not generally apply to development in the vicinity or in the same zone.
- **How the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant:** Since all utilities, access and other design requirements are met and since open space will be provided as a transition between this and adjacent developments, the proposed variances to the front and side yards will have little to no effect on the adjacent developments and therefore strict application would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant.
- **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought?** The design proposed that triggers this request for relief, is in response to market demand and the resulting evolution of residential single family housing design and is not the result of actions by the applicant.

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