

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.

With the existing condition being altered by previous owners and being pavement, returning a portion of the site to landscaping and gardens will be an improvement to the property.

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

With the proposed improvements for the property the site will again be utilized for it's original intent of a residential yard complementing the historical nature of the existing building. A reduction and repositioning of the private yard area will, in fact, improve the character of the general vicinity.

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

The proposed improvements along with the reduction and repositioning of the private yard area will redefine the property boundaries and prevent the pedestrian pass-thru zone that is there currently.

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

With the proposed improvements, the intent is to not circumvent the private yard area requirement but to reposition it to the south side yard.

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Additional consideration:

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

Due to the past alterations and additions to the original structure the available private yard area was reduced and shifted to the rear of the property. In order to incorporate a garage for the applicant, the private yard area will need to be positioned in the south side yard.

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.

Due to the past alterations and additions to the original structure, the positioning and the area available for a garage and driveway dictates that the private yard area be positioned on the south side yard.

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 circumstances result from the additions and alteration of the previous owners and usage of the building. In order for the applicant to return the property, close to its intended use, and incorporate the modern conveniences that they want for the property the reduction and repositioning of the private yard area is necessary.