

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

Structure will be built to all current building codes related to decks, permits will be obtained and structure will be inspected by a building inspector.

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

This is a residential area with single family homes and a deck is a common addition to homes in this area. The deck is not oversized at just under 200 square feet.

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

The proposed structure will not present any hazard as it does not impede any access to adjoining areas, traffic flow, or parking. The proposed structure will not provide any nuisance as it does not obstruct views and since it is on the side yard of a corner lot it does not directly encroach on neighboring lot. Additionally, since it is replacing an existing structure that was not up to building codes with a structure that is compliant with building codes it will enhance safety of the structure.

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

Structure will not encroach all the way to the property line.

Other considerations

1. Explain how the variance arises from special circumstances, which do not generally apply to the land in the general vicinity

Lot was originally plotted in 1941 and primary structure was built in 1942 at which time codes and regulations were very different or were non-existent. Additionally, many of the amenities expected to be available on modern homes (Air Conditioning and Garages for example) were not common. Therefore lot sizes were plotted differently. Because of this, current setback requirements render only a small portion of the lot usable for structures. The primary structure is already small compared to other homes in the area at 900.

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 an unnecessary hardship.

When property was purchased by the owner a structure of similar size and nature was already existing and use and enjoyment of said structure was relevant in the consideration to purchase said property. Additionally, because this is a small corner lot most of the lot (53.1% of lot square footage) is not available for construction due to setbacks and with the construction of the principal property there is no other reasonable place to relocate the structure to that would satisfy all setback requirements and provide similar utility and enjoyment. Owner has also already incurred significant cost to improve this structure in terms of attractiveness as well making the structure compliant with building codes. If variance is not granted the owner will be forced to demolish the structure and incur the loss of these costs.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought

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Unknown, when the property was purchased there was already a structure of similar nature on the same footprint from which the owner assumed that such a structure was allowed. It was not until owner investigated permitting said structure that owner discovered that it would require a variance. With it being unknown to the owner when exactly the existing structure was constructed the owner cannot speak about what the regulations were at that time.

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