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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.

Variance of: Section 4.7.7.A.5 to allow all lots in the proposed development not to meet the minimum required yard setbacks per the Form District, and allow the proposed setbacks to conform to the Alternative Development Incentive (ADI) regulation, Section 5.3.1.D.2.a.

1. The variance will not adversely affect the public health, safety or welfare because 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.
2. The variance 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. The applicant has designed the subdivision in a way that uses the ADI yard requirements, which is allowed within the Balance Transfer Subdivision regulations, but not allowed per the Form District. 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.
3. The variance will not cause a hazard or a nuisance to the public because 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.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because there are no negative impacts anticipated resulting from the variance, 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

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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.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because 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.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because 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.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because 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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