

Variance Justification Statement

523 Wainwright Avenue

Side & Rear Yard Variance

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

The variances to reduce the side and rear yards will not adversely affect the public health, safety or welfare due to them being without intrusion into the public realm. The construction of the structures will comply with all required building codes to reduce any impacts on the adjacent property owner.

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

The variances will not alter the essential character of the general vicinity since the covered porch follows a pattern of 0' side yard setbacks within the block of Wainwright Avenue between Crittenden Drive and Bradley Avenue. The addition of the porch structure follows the material and style of the existing home. The carport at the rear of the property in the accessory structure area follows the same pattern of accessory structures along the alley.

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

The variances will not cause a hazard or nuisance to the public since the side and rear yard encroachments are located outside of the public realm and right of way. It is located within a private, fenced yard and the accessory structure area of the property.

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

The variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The footprint of the primary residential structure and parking area existed prior to the current Land Development Code zoning regulations. The layout and locations of the existing primary residential structure and the parking pad are the causes for the side and rear yard encroachments in a similar manner to other properties in the vicinity.

Additional Consideration

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

The variances arise from special circumstances that do not generally apply to land in the vicinity of the project. The existing conditions of the property and the corresponding block of Wainwright Avenue has a pattern of 0' lot line side and rear yard setbacks. These conditions create the need for a variance on the subject property.

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.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting a variance that permits the side yard porch addition in the only area that it could be constructed on the property. The strict application of the regulations would force the applicant to remove the side yard porch construction. The same circumstance applies for the rear yard setback of the proposed carport. The proposed carport follows the pattern of the existing parking pad for the subject property.

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 are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance from which relief is sought as the applicant has currently requested the variance for the porch and carport additions on the subject property.