

YARMUTH RESIDENCE

Variance Justification

Variance Justification:

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

The variance is for a small, isolated encroachment into a 90' front yard setback along Wolf Pen Branch Road. It poses no threat to the public's health, safety or welfare. It is in a heavily treed area not visible from Wolf Pen Branch Road. It does not create any ecological disturbance and remains within proper clearances such as access, sewage, electrical, etc.

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

The purpose of the variance is to preserve the essential character of the general vicinity by respecting and preserving a long existing and important view corridor between Wolf Pen Branch and the historic Avish Estate, by preserving the natural karst features of the site and by preserving the mature specimen trees within the wooded portion of the site. The placement and configuration of the new construction will allow the structure to be outside of the public's view corridor, minimize grading/re-sculpting of the karsts and preserve all but three of the trees 12" diameter or greater.

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

The variance applies to a private, mostly secluded portion of a residential parcel with a 90' wooded front yard setback from Wolf Pen Branch. Approach to the project is from an existing access drive and not directly from Wolf Pen Branch. The portion of Wolf Pen Branch Road adjoining the project site is in a steep ravine/cut from which the project site is not visible.

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

The proposed project configuration on the site seeks to maintain the existing natural topography of the five acre site, and preserve neighbors' views of the long undisturbed view corridor and woodlands. The variance seeks to minimize disturbance of the land, nature, and the view corridor meadow. The isolated encroachment into the 90' front yard setback does not look to circumvent zoning regulations but rather respect the essential character of the overall 5 acre property and its existing/longtime relationship to both Wolf Pen Branch Rd and surround property owners.

Additional consideration:

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

Constructing the residence in the narrow, far west corner of the 5 acre property allows the preservation of the property's defining features – an open meadow of rolling karsts and mature specimen trees – and prevents the obstruction of the existing view corridor from Wolf Pen Branch Road and surrounding neighbors. The isolated encroachment requested into the 90' front yard setback above the ravine/drop-off of Wolf Pen Branch allows the site's defining karst features to remain intact and preserves all but 3 of the mature trees (12" dia and greater) in the heavily wooded west corner.

6. 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.

Without the isolated encroachment, the residence will need to move approximately 20' feet into the view corridor and outside the existing wooded tree line – significantly altering the existing view corridor and becoming a pronounced feature in an otherwise natural setting. This would also place the residence into a karst feature.

7. 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 topographical and represent a desire to preserve the existing character of a long stretch of Wolf Pen Branch between the intersection of River Road and the intersection of Nitta Yuma Road.

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