

AMENDED VARIANCE JUSTIFICATION

Katrina Miller

1314 Hoertz Avenue

Case No. 21-VARIANCE-0134

The proposed variances, which will allow the applicant's proposed construction of a deck to encroach into the front yard and side yard setbacks will not adversely affect the public health, safety or welfare. The reason for the front yard and side yard setback variances is to permit construction of a front deck onto the residence.

The variances will not alter the essential character of the general vicinity as the proposed encroachment is compatible with the scale and function of the neighborhood. Multiple residential and commercial buildings have similarly encroached into the setbacks with minimal impact. The general character of the Germantown neighborhood is characterized by a variety of encroachments into the setbacks by developments such as the Post, Four Pegs, Sarino, and the like.

The variances will not cause a hazard or nuisance to the public. The front yard and side yard setback encroachments will have no impact on the public health, safety or welfare nor will it impede the right of way. The deck will otherwise conform to the Land Development Code, and only seeks additional encroachment as is necessary to move forward with the development to provide usable outdoor space for this residence.

The variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The surrounding neighborhood has multiple instances of setback encroachments by residences; the adjacent 1339 Hoertz Avenue is an example of such an encroachment and the residence at 1062 E. Kentucky Street is an example of a similar encroachment by a deck.

The variances arises from special circumstances that do not generally apply to land in the vicinity of the project. The subject property contains a steep hill within the yard that otherwise limits the usable outdoor space.

The strict application of the regulations would create an unnecessary hardship because it would require the applicant to alter its plans for residence. Given the layout of the lot, and steep grade within the front yard, feasible, economic alternatives do not otherwise exist. Strict application of the regulations would force the applicant to potentially re-design the plan for the residence in a manner that will not provide any additional public benefit.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance.