

**Supplemental Information- Justification for BOZA Docket No.  
16Variance1051**

Jam Cor Investments Inc. 1327 Christy Avenue and 1325 Christy Avenue

Zoning of Site is UN Form District Traditional Neighborhood  
Existing and Proposed Use is Residential

**2 Variances Requested as part of a Minor Plat to correct encroachment**

**REQUESTED VARIANCES**

1. 1327 Christy Avenue Variance Left (west) Side Yard Set Back Minimum is 3 feet

Request a variance from 3 feet to .38 feet on the west side yard setback for historical encroachment of house.

Variance is for 2.62 feet

LDC Chapter 5 Part 2 Table 5.2.2.

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2. 1325 Christy Variance Right (East ) Side Yard Set Back Minimum is 3 feet  
Request a variance from 3 feet to 1.81 feet on the east side yard setback because of the moved property line.

Variance is for 1.19 feet

LDC Chapter 5 Part 2 Table 5.2.2.

The current contractor purchased this home after the initial contractor defaulted in the middle of this renovation project. The home is currently in an unfinished state.

This house was originally constructed in about 1900. At that time or at some time over 70 years ago, the rear portion of this house (which comes over about 5'8" feet) was built over the property line by about 2 inches. (See historical survey notes from 1944 Exhibit 1). This longstanding encroachment necessitates a Minor Plat to move the property line in that area by about .60 feet (7 ¼ inches). Note this condition has existed for at least 70 years. The first contractor did vinyl the outside of the rear portion of the house-thus giving it its new appearance. This vinyl added .2 inches to the historical encroachment which is the width of the vinyl.

The current contractor desires to complete the renovation of the house but cannot do so until this issue is resolved. This requires a variance to be granted for both houses since both are non-conforming as to the required side yard of 3 feet in LDC 5.2 and moving the property line .60 feet will alter both of their non-conformances.

**Question 1A.**

The request variances will not adversely affect the public health, safety or welfare of neighboring landowners. In this area, the houses from the 1900s are on 25 wide lots and sit in close proximity. No physicals changes are occurring at this time. Rather a lot line is being moved to address an apparent longstanding encroachment. This moving of the lot necessitates the requested variances. Since physical conditions are not changing, theses variances will not adversely affect the public health, safety or welfare of neighboring landowners

**Question 1B**

The variances will not alter the character of the general vicinity. Nothing is changing but a property line. The distance between the houses remains the same.

**Question 1C**

The variance will not cause a hazard or nuisances to the public. The public is not impacted by theses side yard variances for existing conditions. No new hazards are presented by the granting of these variances.

**Question 1D**

The variance will not allow an unreasonable circumvention of the zoning regulations. The purpose of setbacks is to establish consistent building placement. In this situation, the placement of the houses is existing and not changing.

**Question 2a**

The variance request arises from special circumstances which do not generally apply to land in the general vicinity which is that this proposed variance is small in magnitude and is necessary to allow approval of a Minor Plat to fix an encroachment.

**Question 2b**

The strict application of the provision of the regulation as to UN setbacks would required the applicant to tear down a portion of 1327 Christy which has existed for over 70 years

This is a request for Board's equitable powers to allow approval of a Minor Plat that addresses an historical encroachment at this site.

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