

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.

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

The proposed work will be constructed to the current building and zoning codes. The garage space will add parking in area where most vehicles are parked on the street.

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

The back of the screened porch will approximately align with the porches on the two adjacent properties. The garage will be constructed at the same setback and approximate depth of the adjacent alley structures. The pattern of development will be similar across the adjacent lots.

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

The screened porch is located at the rear of the existing house. The scale will limit the use of the porch to small gatherings. The garage will be accessed off an existing paved alley allowing vehicles to enter and exit safely.

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

The proposed construction will occur within the same development areas of adjacent properties, continuing the existing pattern of development.

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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 historic lot configurations in this block of the Cherokee Triangle are long and narrow, but houses are larger than most. Existing front setback, historic house depth, and alley access limit the available space. The lot is only 163 SF over the 6,000 SF threshold for 30% open space rather than 20%.

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 property owners want to age in place in the house that has been their home for 30 years. The open space requirement prevents them from constructing an enclosed, lockable garage and an outside space free of insects.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No, all construction on the property was in place prior to the introduction of the Land Development Code.