

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

5.4.1.D.3 - Private Yard Area – An attached garage by definition precludes an enclosed private yard area as described in 5.4.1.D.3. As it is desired to reuse the east and west walls and foundations in the existing shed addition as part of the new garage structure, a variance is sought to allow the grant of a waiver from the Private Yard Requirements. The standard would require 929 sf enclosed. The proposed design would create a total of 592 sf of grassy area either side of the driveway. The grant of a waiver would create no known public health, safety, or welfare issues.

5.4.1.E.1 - Garage & Parking Exceeding 50 ft in Depth – Because the distance from the back of the existing structure to the 5 ft rear offset is 53 feet, no attached accessory structure and driveway combination of any size would conform to the 50' standard. The grant of a variance for the 3' excess would create no known public health, safety, or welfare issues.

5.2.2.5 – 5 ft Side Yard Setback – The existing structure is 30 ft wide and sits on a 37'-6" wide lot, so the setback on each side is currently 3'-9". As it is desired to reuse the east and west walls and foundations in the existing shed addition as part of the new garage structure, a variance is sought to allow the new construction to match the existing setback. The grant of this variance would create no known public health, safety, or welfare issues.

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

5.4.1.D.3 - Private Yard Area – It is worth noting that the alley behind the homes on the south side of Atwood back up to a very large, high density, apartment complex, University Park Apartments, built in the 1980's, so just what the essential character of the neighborhood might be is very much open to some interpretation. These apartments have no Private Yard Area as defined by 5.4.1.D.3. On the north side of the alley this will look very similar to numerous properties from the rear. An attached garage is a very desirable feature for a single family dwelling. It offers increased security for the residents, the home and the garage contents. It secures and weather protects the entrance to the cellar. It allows the residents to enter and exit with protection from the elements. The grant of a waiver would not adversely impact essential character of the neighborhood.

5.4.1.E.1 - Garage & Parking Exceeding 50 ft in Depth – Again, the apartments on the south side of the alley are built to an entirely different standard. North of the alley, there are a wide variety of accessory buildings, fenced and unfenced parking areas to be found in this block. The proposed addition would still leave 28 feet, including the 5' rear offset, between the structure and the alley. The grant of a 3' variance would not adversely impact essential character of the neighborhood.

5.2.2.5 – 5 ft Side Yard Setback – The existing side setback of 3'-9" is actually generous by the standards of the neighborhood. A variance allowing the proposed 15' addition to match the existing setback will not adversely impact essential character of the neighborhood

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

5.4.1.D.3 - Private Yard Area – In lieu of a small enclosed yard that would push any detached accessory structure to the back edge of the property, the greater distance between the proposed garage and the alley actually eliminates the hazard of backing into the alley blinded by restricted sight lines. The grant of a waiver in this case reduces the hazard to both the garage user and other alley traffic.

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

5.4.1.D.3 - Private Yard Area –

This neighborhood has multitudes of tenants and fewer resident owners. Although it is zoned for multifamily, I seek to convert this building to a single family dwelling, and an attached garage with secure off-street parking makes this a much more attractive single family dwelling than a tiny private yard. I believe it is the resident owners that will lift this neighborhood up. I do not believe that I am seeking to circumvent zoning regulations.

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Additional Consideration:**5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity**

This structure presents an unusual circumstance because it spent its first 130 years of use as a church. The later 15x30 shed type addition on the rear of the main structure primarily houses the full-immersion baptistery, a concrete basin with 6' thick walls nearly 10 feet wide, 3'-6" deep and almost 6 feet tall. As it serves no residential purpose, it must be removed, and probably the only practical way to remove it will be to remove the back wall and roof of the addition and use a hoe ram to break it up. Since the east and west walls will still be standing, they would make a good starting point for an attached garage, which would be a very desirable addition on its own merit. There is obvious economy in the reuse of a large part of the existing shed addition as part of the new garage. All of the requested variances are the result of constraints resulting from a desire to reuse as much of the existing structure as possible in its conversion to a single family dwelling with an attached garage.

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.

An attached garage is such a common, desirable, beneficial amenity, I was taken aback that the code seems to discourage their construction. I'm not sure I would have bought the building had I known that it would be an issue.

The size of the proposed addition contains adequate space for a shop for hobby activities and it would be my intent to be able to heat this space. A shared common wall reduces the exterior heat transfer surface area, greatly reducing the thermal load.

The attached garage also offers much more convenient access to restroom facilities, something that would not be practical for a detached structure.

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

No. The variance and waiver result from adapting the existing size and configuration of this building that used to be a church into a suitable single family dwelling.

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