

AUG 20 2018

PLANNING  
DESIGN SERVICES

## Variance Justification

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

The variance to the private yard area requirement of the Land Development Code would result from construction of a 10' x 16' gabled roof canopy over the existing deck adjoining the back of my house. The back of my house is the southern exposure. As a result, the deck is inhospitable several months of the year. The roof canopy would provide cooling shade, as well as badly needed shelter at the back door, which currently has no protection from the elements.

Old concrete steps and sidewalk, under the deck, comprise about 80% of the 160 square foot area of the proposed roof canopy. This 130 square foot area was not verdurous anyway. Therefore the net loss to the green yard area is approximately 30 square feet.

Since this canopy will be 10' above the deck in my back yard, risk or impact on the health, safety and welfare of the public will be extremely small.

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

The Historic Landmarks and Preservation Districts Commission (hereafter, "Landmarks") has already approved the gabled design of the proposed canopy. The slope of the canopy roof will match the existing slope of the house roof and the roof of the existing house extension, which are both 7:12. The roof canopy will attach to the house on its north side and extend the roofline of the existing back extension of the house. Two Tuscan columns, identical in design to columns on the front of the house, will support the south side of the canopy. The underside of the canopy will be sheathed in tongue-and-groove beadboard, matching the historic beadboard on the underside of the front porch. The 3' high east and west sides of the canopy will be sheathed in siding to match the rest of the house.

Therefore, the design of the canopy will be in keeping with the Craftsman style of my house and the majority of the other houses on Floral Terrace, which are also Craftsman. The variance will not alter the essential character of the general vicinity.

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

As explained under #1 above, the roof canopy will be in my back yard, over my existing deck. My back yard is enclosed on the east and west by fences, and on the south by two large rolling gates. The 10' height is consistent with the height of the first floor of my house, and does not create a new hazard for head or bodily injuries, nor a nuisance to the public.

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

As explained under #1 above, the effectual net loss to my green yard area is approximately 30 square feet. My lot is 94'x30', or 3100 square feet. The footprint of the house is 1000' square feet. Subtracting

the house from the lot yields 2100 square feet of yard area. Therefore, the 30 square foot loss occasioned by the canopy represents a 1.4% loss of yard area which is not an unreasonable circumvention of the requirements of the zoning regulations.

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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).

In my documentation, I pointed out that Floral Terrace yards are unique among properties in the county. Our legal property boundaries do not extend all the way to the actual brick walkway of Floral Terrace. Nonetheless, we homeowners are expected to maintain, and do maintain quite elaborately, this uncounted common area, all the way out the sidewalk. In essence and in the real-life situation, our yards are larger than the legal area would suggest. If this is taken into account, the variance for a reduction in private yard area is less impactful than the percentage calculation of the variance would suggest. I and the other homeowners care deeply about preserving the "green" state of Floral Terrace, which is, I think, the spirit of the private yard requirement. I am suggesting I and the other homeowners do more "green" maintenance than the legal boundary will allow us account.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant the reasonable use of the land or would create an unnecessary hardship.

Without the variance, I cannot extend my new gabled roof over the existing deck. As I have explained, I seek to build this extension in order to create a canopy of shade to allow my guests and me to enjoy the backyard more fully. At present, my back yard is the southern exposure, and very hot during many months. The shaded area would allow me to have a table and chairs and use the deck, much more than I am currently able to do. The canopy would provide shelter from the elements at my back door. I have stood in the rain often, with grocery bags, trying to get the lock unlocked. Finally, the shade canopy would lower my energy costs by reducing the temperate in the back extension of my house by several degrees.

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

Landmarks staff explained that this question asks if the structure for which I seek the variance is proposed or built. It is proposed. I have not already built it.

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