

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 addition will be built within the confines of the Boome's property. It will be constructed to all applicable building codes to protect the health, safety, and welfare of the public.

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

The Boome's property is in a residential neighborhood where a garage to the rear of the residence is typical. The side yard we wish to encroach abuts a multi-unit apartment building (zoned C1, TMC)

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

The addition is for typical single-family home and garage uses. Its garage doors will face the Boome's property. Its siting location is primarily to provide visual/audio separation from the apartments next door.

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

The variance allows the addition to act like a fence to the next door apartment windows and protect the Boome's privacy while making efficient use of their private yard area.

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 majority of R5 – TN properties in the area do not abut a C1 – TMC property with an apartment building. The apartment is two stories tall with windows looking down on the Boome's property.

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 strict application of the regulation would create wasted space. The side yard 3' would be wasted between the fence of the apartment next door, and the private yard would not feel private. The Boome's want to make full use of their property and back yard for recreation and enjoyment.

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, the circumstances arose when the apartment building was built next door, around 2018. Their existing garage buildings were there when they bought the house and do not provide privacy or make efficient use of their property.

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