

- Application Fee: **\$100** for Single-Family Uses  
**\$300** for churches, parish halls, temples, schools and institutions of learning (except colleges, universities, trade, business or industrial schools), not-for-profit uses, and clubs, private non-profit  
**\$700** for All Other Uses
- Clerk's Fee: **\$60**  
(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)

20 - VARIANCE - 0076

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**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 alley at the rear of my property is identified as 15' wide on the survey of my property. However, the alley is not usable because 1) there is no pavement or stone surface and the existing grassy surface is far too soft for passenger vehicles, 2) the properties abutting (cont. on additional page)

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

The vast majority of properties have detached garages in this neighborhood and mine will conform in all manner except for the rear setback (if variance is approved). Because the alley isn't paved and no one on my block has a garage accessible from the alley, (cont. on additional page)

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

Because the alley is not usable by vehicle traffic, the risk to the public of a garage built on the rear property line is minimal. Should any vehicle traffic need access to the alley, there is still 14' between what would be the rear wall of my new garage to the closest impediment, (cont. on additional page)

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

It is not my intent to circumvent a well-intended zoning regulation. I'm also conscious of public safety and have zero desire to create a potentially unsafe condition. I concur that the regulation makes perfect sense for those properties abutting another property or an alley (cont. on additional page)

*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).**

Most blocks in my neighborhood do not have alleys. On the blocks that do have usable alleys, the alleys have stone surfaces and are accessible by automobiles. My block is a special circumstance in that we have an alley but it is not functional. If the alley were frequently (cont. on additional page)

**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.**

Constructing the garage 5' from the rear property line would result in a 5' wide dead space at the rear of my property along the alley. Not only would it be a maintenance headache, but it would essentially be a waste of 100+ SF of my already small back yard. The majority of my (cont. on additional page)

**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, I had no part in establishing the circumstances described above other than my desire to construct a new garage.

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VARIANCE JUSTIFICATION:

1. (continued from p. 3)

the alley are not accessible from the alley, 3) fences and possibly even garages have been built well into the alley leaving less than 8' clear width in some locations, and 4) the alley is overgrown with weeds, trees, and other obstructions and cannot be used as a thoroughfare between lola Rd and Macon Ave. In the 14 years I've lived at this residence, the only vehicles I've seen in the alley are lawn mowers...even the city trucks bringing the mowers park on lola Rd because the alley is not amenable to any vehicular traffic. Additionally, I can count on one hand the number of times I've seen pedestrians using the alley during the same timeframe. Because this alley is not usable for vehicle traffic, I do not believe building a garage on the property line will adversely affect public health, safety, or welfare and there is no commercial benefit to the alley's existence. Even though my proposed garage will be insured, I would not willingly invite the legal issues associated with causing a hazard if I believed it was truly a risk to the public.

2. (continued from p. 3)

it will not be noticeable that my garage is on my property line rather than 5' off. Detached garages are extremely common in my neighborhood which is dominated by Cape Cod-style houses. The garages located on the corner lots are a mixed bag between being close to the house and those that are close to the rear property line...mine being on the property line will in no way detract from the character of the neighborhood. The two corner lot houses across lola Road from me do not have an alley and their detached garages are approximately 5' from their rear property lines...allowing me to build on my property line will nearly line up my garage with the house immediately across lola Rd.

3. (continued from p. 3)

a well-established tree in the yard of my neighbor to the rear of my property. There is also a street light illuminating the "entrance" to the alley and my garage will be well-lit. I am willing to include a light with motion detector or reflective tape on the new structure as a condition of approval if necessary.

4. (continued from p. 3)

that is used by the public. However, the requirement for a 5' setback doesn't have a benefit in my circumstance since the alley isn't being used and isn't able to be used by the public.

ADDITIONAL CONSIDERATION:

1. (continued from p. 3)

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used by vehicles, I would likely reconsider constructing my garage on the property line as I'm requesting.

2. (continued from p. 3)

back yard is on the rear side of my existing garage and not visible from the house, patio, and deck. I am a single dad (full time) of a 4 year old and am not comfortable with her playing on the far side of the garage where I cannot see her from the house/patio/deck. So, the primary reason I'm pursuing building a new garage is to "reclaim" the rear 3/4 of my back yard so I can then install a playset and other outdoor entertainment area for both of us. I acknowledge that I can build a garage that conforms with the setbacks if this request for a variance is rejected; however, it doesn't make sense to strictly adhere to the rear setback when the alley is not being used since I could make good use of that additional 5'.