

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 encroachment is so negligible, it poses no possible negative impact or threat to public health, safety, or welfare. The encroachment has remained for nearly sixty (60) years without adverse impact to the above. It would still be unknown but for the fact it was revealed by a recent survey.

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

The granting of the variance will ensure the essential character of the general vicinity does not change by allowing the encroaching attached garage to remain where it is, as it has been since about 1961. Not to allow it, would be to change the essential character of the general vicinity.

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

The encroachment is so negligible, it cannot possibly cause a hazard or a nuisance to the public. As evidence thereof, the structure has sat as it is for nearly sixty (60) years, and there are no hazards or nuisances known to have ever occurred by virtue of the encroachment upon the setback.

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

Please see the attached survey. It is clear that the builder of this house intended to abut the setback precisely, but erred by less than nine (9) inches on one corner of the structure. Disallowing the variance would be to punish a minor, 60-year-old mistake on the part of a builder.

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).

Generally, most 60-year-old houses in the vicinity are within the setback, but this one includes a slight preexisting encroachment. There is nothing about the land in the general vicinity that makes the circumstances giving rise to this variance request special in any way.

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.

Strict application of the regulation would require the owners to rip down one exterior wall of their attached garage. This would undermine the integrity of the structure and cost tens of thousands of dollars to cure, for no discernable benefit to the community.