

VARIANCE JUSTIFICATION STATEMENT - BOARD OF ADJUSTMENT

PROPERTIES OUTSIDE OF A HISTORIC AREA

The following questions pertain to the criteria upon which the Board of Adjustment will consider this application, per LDR Section 2.4.7(A)(5). Please address each question separately as the answers provided will assist reviewing the proposal and can be included as part of the staff report presented to the Board:

☐ JUSTIFICATION STATEMENT IS ATTACHED, WHICH ADDRESSES THE CRITERIA OF APPROVAL BELOW:

- a) Describe which special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance): *Parking in own driveway is technically within the setback and therefore not "legal". You have to be able to park in your own driveway. Two cars can park side by side if needed and be within side setbacks but would both be in front setback.*
- b) Describe which literal interpretation of the regulations would deprive the applicant of rights the commonly enjoyed by other properties subject to the same zoning: *That parking in your own driveway doesn't constitute a "legal" parking spot at your own home.*
- c) Explain how the special conditions and circumstances have not resulted from actions of the applicant: *It is an antiquated rule by the City of Durham.*
- d) Explain how granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance: *Others in the neighborhood have widened driveway and park multiple cars in front of their houses.*
- e) Describe the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure: *It is quite reasonable this day in age to have two vehicles and be able to park them at your own home.*
- f) Explain how the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: *Others have more than one vehicle parked in the front setback.*
- g) Please provide any other comments and information which can be relevant or assist the Board in reviewing this request