

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):

THE EXISTING HOUSE IS A WOOD FRAMED STRUCTURE WITH BRICK VENEER AND WAS CONSTRUCTED IN 1930. IT WAS BUILT INTO THE EARTH WHERE THE SURROUNDING GRADE HAS CAUSED EXTENSIVE WOOD ROT. THE STRUCTURE IS ALSO LOCATED ON A NON-CONFORMING LOT (MIN. LOT SIZE OF 12,500 SQ. FT VS. 5,398 SQ. DUE TO THE YEAR THIS HOUSE WAS BUILT IT WAS CONSTRUCTED OVER ALL SETBACKS.

- b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

PER LDR SECTION 4.3.4(K), BASE DEVELOPMENT DISTRICT STANDARDS ARE MINIMUM 12,500 SQ.FT. FOR A LOT IN R-1-AAA ZONING. THE CURRENT LOT SIZE OF 5,398 SQ. FT. CREATES A HARDSHIP FOR THE OWNER TO DEVELOP THE LOT AND DEPRIVES THEM OF THE RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES SUBJECT TO THE SAME ZONING.

- c) Explain how the special conditions and circumstances have not resulted from actions of the applicant:

THE PROPERTY WAS RECENTLY PURCHASED BY THE OWNER AND THE NON-CONFORMING LOT SIZE WAS EXISTING, WITH ENCROACHMENTS INTO SETBACKS.

- d) Explain how granting the variance will not confer on to 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:

GRANTING THIS REQUEST WILL ALLOW THE OWNER THE ABILITY TO ADD MINIMAL LIVING SPACE ON A VERY SMALL EXISTING NON-CONFORMING LOT, WHILE MAINTAINING THE ORIGINAL ARCHITECTURAL STYLE AND CHARACTER OF THE HOME, THE SAME AS MANY OF THE SURROUNDING HOMES IN R-1-AAA ZONING. THE CURRENT TREND IN THIS AREA WOULD BE TO KNOCK DOWN THE MODEST HISTORIC HOUSE AND CONSTRUCT A NEW MODERN HOME.

- 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:

THE EXISTING HISTORIC HOUSE IS A MODEST HOUSE AT 2,416 SQ. FT. WITH STRUCTURAL DAMAGE DUE TO BEING WOOD FRAME AND CONSTRUCTED INTO THE EARTH. WE ARE PROPOSING TO RAISE THE EXISTING STRUCTURE, CONSTRUCT A MASONRY GROUND FLOOR (MATCHING EXISTING HISTORIC FOOTPRINT), LOWERING THE EXISTING HOUSE BACK DOWN AFTER STRUCTURAL REPAIRS.

- 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:

IF ALL THE PROPOSED VARIANCES WERE APPROVED, THE HISTORIC HOUSE WOULD STILL BE BELOW THE MAX. HEIGHT (35'-0" TO ROOF MEAN - PROPOSED 31'-0" TO RIDGE). THE PROPOSED CHANGES ARE ALL IN KEEPING WITH THE MONTEREY STYLE AND THE CHARACTER OF THE NEIGHBORHOOD WITH A NEW MASONRY GROUND FLOOR.

- g) Please provide any other comments and information which can be relevant or assist the Board in reviewing this request

THE OWNER IS GOING TO A GREAT EXPENSE TO RAISE A HISTORIC HOUSE AT A TIME WHEN MORE AND MORE TWO-STORY WOOD FRAMED STRUCTURES ARE BEING KNOCKED DOWN AND REPLACED WITH MODERN BOX HOMES. THIS REQUESTED VARIANCE IS MUCH MORE COMPATIBLE WITH THE NEIGHBORHOOD VERSUS THE ALTERNATIVE.