

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 dedication reduced the building envelope and allowable lot coverage. It is also not in line with the adjoining properties.

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

The movement of the property line for a dedication reduces the depth and width of the lot, therein, reducing the building footprint and overall value of the property.

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

The applicant did not request the dedication. The lack of ROW existed prior to applicant's purchase of the property. The City is requesting the ROW.

- 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:

The applicant would not be requesting the variance if not for the ROW dedication. In addition, the property owners on the opposite side of the street do not have to dedicate property.

- 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 minimum equates to the requested dedication in order to be consistent with the surrounding properties.

- 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:

The surrounding homes have the same issues with the dedication and we cannot see how the minor variance could undermine the existing regulations or be injurious to the neighborhood or the public at large.

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

Move approval of the variance request from LDR Section 4.3.4 (K), to allow reduction of the required front yard setback from 30 ft. to 23 ft. and the side yard set back from 15 ft. to 8.5 ft. for the property located at 25 NW 8th St. by finding that the request is consistent with finding set forth in the Land Development Regulations Section 2.4.7(A)(5) to reduce maximum allowable lot coverage.