

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

Our family would like to expand our home by an additional bedroom to make space for an office. Mr. Harmon's career went fully remote in the aftermath of the pandemic, which means his work is now 100% out of our house. We would like to add enough space for a standard sized bedroom so the space can be used as an office today but one day could be marketed as a fifth bedroom.

We considered many options to possible expansion sites on our property and have concluded that expanding into the rear setback of our property would allow us to do so with the least amount of hardship. The reasoning for this is multifaceted and we will explain how we came to this conclusion.

The layout of the house is such that the master bedroom occupies the southern third of the home, living areas the middle third, and additional bedrooms in the northern third. The middle and southern thirds have large views into the pool enclosure. The northern third has the garage attached on the western side and empty yard to the eastern side. Expanding to the north or south is not possible due to the house being too close to the property lines for any meaningful expansion.

Expanding to the southwest is challenging because it abuts the master bathroom. Expanding here would not provide access to the new space without traversing both the master bedroom and master bathroom. Additionally, extending the roof from this location would be much more expensive due to expanding from a hip instead of a gable. Lastly, pushing west into the front yard would expand into the drainage field of our septic system.

Expanding into the southeast we once again run into the problem of accessing the new space without traversing the master bedroom. Because the expansion is to be used as an office, the office must be easily accessible without disturbing the privacy of the master bedroom.

When considering expansion options in the middle third of the home, we cannot expand westerly into the front yard due to the septic tank location. If we were to expand easterly we would block access to the patio and pool as well as dramatically reduce the amount of light which enters through the large sliding glass doors in our living spaces.

Finally, expanding from the northern third of the home is where we find an opportunity which is both logical and desirable. On the northwest of our home is our garage, and our HOA requires an attached garage as part of our restrictions which rules out expanding here or converting the garage to a room. The final place to consider expansion is the northeastern side. This location would provide a natural expansion point for three primary reasons. First, this is where the gable exists on the house. Expanding from the gable will not only be much cheaper it will also look much more natural. The roof line can simply be expanded easterly without major changes to the

shape or design of the roof. Additionally, extending our HVAC system, electric lines, and plumbing via the attic space will be much easier through the gable than through a hip. Second, access to the new space can be achieved via a hallway space instead of traveling through an enclosed room. Third, the backyard at the expansion site is unused by anything functional to the home such as a septic system, drainage field, or electrical or water utility easements. The only problem of choosing this expansion site is it requires a variance of the rear setback.

Therefore, expanding at the northeastern site would provide us the opportunity to do so with the least amount of hardship while adding the greatest amount of functional value.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

First, as stated in question 1, Mr. Harmon's career changed in 2020 when his job went fully remote.

Second, we purchased the house in 2014, so we had no influence over the preexisting features of the property. The house was constructed in 1994 which set the original dimensions of the house and location of the septic system. The pool was constructed in 2000. The pool enclosure was added in 2006. We had no action in choosing any of these major features of the property, and thus must design our expansion project around them to conform to the standards set by our HOA and the common features typically found in our neighborhood.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Chapter 30 of the zoning regulations, part 12 (30.206) describes the rear setback as follows: "The following minimum front, side, and rear yards shall be observed: ... (3) Rear: Thirty feet."

When completing a survey of the other properties in our area which are in R-1A, R-1AA, or R-1AA zones, we found several houses near to our property which appear to be set within the 30' setback requirement. These homes were discovered utilizing the Information Kiosk tool provided by the county. We were able to verify the accuracy of the distance measurement tool by measuring against our own home. We found the distance tool accurately measured 41' from the rear of our house to our fence. We then looked for homes where the rear of the house encroached into the 30' setback.

Here is a listing of properties which appear to extend well into the rear setback requirement. This list is not exhaustive and is used simply to illustrate that many houses in our area do not meet the rear set back requirements. We do not know if they have variances for their setbacks.

Rear

137 ACADEMY OAKS PL Rear yard setback variance approved 6/22/20 for addition at 22'3"
131 ACADEMY OAKS PL Rear yard setback variance approved in 1991 for SFR at 27'
1219 ASTORWOOD CT Rear yard setback variance approved 1/24/04 for addition at 24'
3626 SUPREME CT Rear yard setback variance approved 9/28/09 for addition at 18.4'
1510 ROYAL CIR Rear yard setback variance approved 3/26/07 for addition at 25'
1209 CARDINAL CT Rear yard setback variance approved 12/5/11 for covered patio at 8'
1288 CARDINAL CT Rear yard setback variance approved 3/25/13 for addition at 17'
159 VARSITY CIR Corner lot - different setbacks

Considering our casual search for houses via the Information Kiosk resulted in many results within a short distance from our property, we believe the granting of a variance would not confer any special privilege since many others in our area have likely been granted variances or are enjoying them through lack of setback enforcement.

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

As stated in our answer to question 3, there are many houses near our property which extend into the 30' rear setback requirement. When inspected, these properties seem no different in the general proportion, general layout, or general placement on their property to our own. We cannot see any special reason why these properties may have been granted variances such as odd landscapes, odd property layouts, proximity to commercial, industrial, or utility properties, etc. Additionally, as stated in question 1, expanding into our rear setback would allow us to expand the home without unnecessary and undue hardship. Therefore, a literal interpretation of the regulation would deprive us because many other properties in our area have enjoyed variances while having houses and properties very similar to our own. We are asking for the same opportunity via a variance these other property owners appear to enjoy.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

After careful consideration of the layout for our home expansion, standards set by other rooms in our house, and the standards set by houses commonly found in our neighborhood, the 6.5' variance request would give us enough space to add a commonly sized bedroom (approximately 11'x16') to our house. This will meet our requirements for expanding the house and not impact the future resale of the home as the extra room can be marketed as a fifth bedroom. Please see the supplied floor plan for details regarding the layout of the expansion.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In our reading of the zoning codes, we do not find any hard reason for the exact 30' setback requirement. 30.206 simply states the setback shall be 30' and nothing more. Considering the general intent of R-IA is to provide low density housing, we do not see how our request would be disharmonious or against the general intent of the zoning regulations, the R-IA zone type, or our neighborhood.

We believe our expansion project will actually be a boon for the neighborhood as any investment in homes by ourselves or our neighbors should generally raise the value of all homes in the neighborhood. Additionally, if we are granted the variance we would expect our taxes to increase as the value of our house would increase. We would find ourselves paying more to the county, and therefore, would provide more funding to improve the public welfare.

Lastly, we have already received approval from our HOA as evidenced by the included letter. We have also provided signed letters of support from our neighbors which would be most effected by the variance.