

VARIANCE CRITERIA

1. What are the special conditions and circumstances that exist that 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?

The property in question has unique conditions that make the standard setback requirements impractical for the proposed development. Specifically, the lot is smaller or irregularly shaped compared to the other properties in the area. This creates challenges in maximizing the use of the land while adhering to the standard setback distances required by the zoning code. Additionally, the property is located in a neighborhood where other homes have larger footprints and are situated closer to property lines, which is consistent with the intended character of the area. These conditions—such as the size, shape, and surrounding context—are not shared by all properties in the same zoning district, and as a result, the request for reduced setbacks is a direct response to these unique land characteristics.

2. How are the special conditions and circumstances that exist not the result of the actions of the applicant?

The special conditions affecting the property—such as its smaller lot size, irregular shape, or limited buildable area—are inherent to the land and not caused by any actions of the applicant. The applicant did not subdivide the land or create these conditions through any previous development activity. The surrounding homes on Mikler Drive, which feature larger structures with less restrictive setbacks, further highlight that these characteristics were present before the applicant's purchase of the property. The conditions that necessitate this variance are therefore outside the control of the applicant.

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

The granting of the variance would not confer any special privilege to the applicant, as the requested reduction in setbacks is in line with the existing pattern of development in the neighborhood. Homes on the neighboring street, Mikler Drive, are of a similar size and style and are positioned with smaller setbacks than what is typically required in the zoning district. The variance request aligns with the prevailing character of the area, and other property owners in the same zoning district have historically been granted similar variances under comparable circumstances. Thus, the applicant is not being treated more favorably than other property owners in the same district.

4. How would the literal interpretation of the provisions of the zoning regulations deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant?

A literal interpretation of the zoning regulations would prevent the applicant from constructing a home that is similar in size, style, and function to those on the neighboring street, Mikler Drive. This would deprive the applicant of the ability to reasonably use the property in a manner

consistent with the surrounding area, and it would limit the applicant's ability to build a home that fits within the community's established character. The imposition of the full setback requirements would result in an unnecessary and undue hardship by limiting the potential of the lot and its development, while also failing to allow the applicant to maximize the use of the land as other properties in the neighborhood have done. This would be a denial of rights commonly enjoyed by other property owners in the same zoning district. Without the variance, owner would be limited to a two story construction which will create a hardship for disabled and elderly members of the family.

5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?

The requested variance is the minimum necessary to allow for the construction of a home that meets the applicant's needs while maintaining the aesthetic and functional integrity of the surrounding neighborhood. By reducing the setbacks, the applicant would be able to construct a home that is in scale with the existing homes on Mikler Drive, without overburdening the property or creating an oversized structure. The variance request is specifically tailored to allow for a reasonable and balanced development of the lot, without exceeding the footprint of neighboring homes. The requested adjustments to the setbacks are minimal and will ensure that the development is both feasible and appropriate for the property.

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

The granting of the variance would be entirely in harmony with the general intent and purpose of the zoning regulations, which aim to protect the character of the neighborhood and ensure that new developments are compatible with surrounding properties. The requested variance is consistent with the established pattern of development on Mikler Drive, where properties have larger homes that are closer to property lines than current zoning requirements typically permit. The variance would allow for a home that is in scale with its neighbors, without creating any negative impact on the public welfare. Additionally, the reduction in setbacks would not result in any adverse effects such as crowding, reduced open space, or obstruction of views or sunlight. As the proposed development would be consistent with the surrounding area, there would be no injurious effects to the neighborhood or surrounding properties.