

VARIANCE - Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and locations of existing buildings, the locations and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the lot in question. In order for a variance to be granted, the applicant must prove to the Board that the following items are true: (Please attach these comments on a separate sheet) Refer to section 4.28 (Dimensional Variance) in Zoning Ordinance.

- A. Special conditions exist peculiar to the lot, land or building(s) in question.
- B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.
- C. That the special conditions do not result from previous actions of the applicant.
- D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land or building(s).

**PROPOSAL: To reduce the back setback from the property line from the standard 3 feet down to 1 foot.**

***A. Special conditions exist peculiar to the lot, land or building(s) in question.***

This land is sloping downhill from Massie Ave toward Stoner Ave. This natural slope requires a ditch/swale to be cut uphill to ensure rain water does not enter the garage. This ditch/swale is specific to this property's natural slope and creates an area that is otherwise unusable. The non-square southern lot line closest to Massie Ave creates a situation where additional property becomes unusable with the standard 3' setback. Refer to 329 Stoner Ave survey and drawings of garage at back corner of property.

***B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.***

The standard setback distance (3' from the furthest projection of a building) would create an unusable space of 5'8" on the front (southeast) corner of the garage, and 3' of unusable space at the back (southwest) corner. The non-square back corner of the lot creates a triangular area of land that is otherwise unusable on this property. The requested variance will allow the garage to be larger and more usable, also creating less unusable property than if the standard setback distance of 3' is used. Refer to 329 Stoner Ave survey and drawings of garage at back corner of property.

***C. That the special conditions do not result from previous actions of the applicant.***

The special conditions of this property are due to the naturally sloping land that requires a ditch or swale to prevent water intrusion into the garage, and also the non-square southern lot line that creates additional unusable property that could otherwise be a portion of the garage.

***D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land or building(s).***

The requested variance will allow the garage to be 2' larger than if the standard setback is adhered to, and allows the garage to be reduced (due to an encroachment on neighboring property) from 32' to 28' which is the standard truss spacing designed for this garage. In addition to the natural issues with the lot described above, the garage was designed with 4' on center roof truss spacing parallel to the 26' garage length. With roof trusses in standard intervals of every 4', reducing the garage from 32' to 28' is the least invasive way to modify the garage and ensure it remains structurally sound as originally designed, but also ensure the garage is not encroaching upon the neighboring property.