

BZA Case #02-22 V
30 Johnson Road
Donald Douglas, appellant

a. **Practical difficulty because of undue hardship**—Because of exceptional or extraordinary conditions pertaining to a specific piece of property, as stated below, a literal enforcement of these regulations will result in practical difficulty or undue hardship that is unnecessary to the achievement of public purposes.

FOR SETBACK: The lot in question is a corner lot which significantly diminishes the total area of the lot where an accessory structure may be located. In addition, this is not a request to build a large principal structure/house but a small 10 ft. x 20 ft. storage building.

FOR EXCESSIVE LOT COVERAGE: The existing single accessory structure/garage already exceeds the maximum coverage for accessory structures of 3% of the lot area but in total the request is for less than 10% of the total lot area, a more reasonable and not an excessive amount.

b. **Exceptional circumstances**—There are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zone.

FOR SETBACK: Unlike a majority of the properties in this area which are interior lots (private property on each side) this property is a corner lot where by definition it has 2 “front yards”. The residence actually “fronts” on Johnson Road and not N. McDonald where the accessory structure is proposed to be located. The location is approximately 16 feet from the actual pavement of N. McDonald Street.

FOR EXCESSIVE LOT COVERAGE: The requested increase is small and minimal in comparison to the existing condition.

c. **Preservation of equal property rights**—Literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone and the same vicinity, while a granting of the requested variance will not confer on the applicant any special privilege that is denied to other properties in the same zone and the same vicinity.

FOR SETBACK: The request is only for a second small accessory structure which is (2 accessory buildings) a right permitted by the code for all residential uses. The request is also greater than the 5 feet others would have to comply with if located in a side or rear yard.

FOR EXCESSIVE LOT COVERAGE: The request is not for a large accessory structure but rather a small, modest storage building. The request is not excessive and not granting a huge privilege above others in the area, an increase in just over 1% of the existing coverage.

d. **Minimum variance**—The variance granted is the minimum variance required to make possible the reasonable use of the property.

FOR SETBACK: The setback requested is approximately 16 feet from the driving surface of N. McDonald Street (not zero or 5 or 10) and maintains a good distance between the existing garage and the proposed accessory structure. If the structure were adjoining a rear or side property line the setback minimum would only be 5 feet. This request is only for a second accessory structure, not a third, fourth, or fifth accessory structure.

FOR EXCESSIVE LOT COVERAGE: If viewed singularly, the request is only for an additional 1.15% lot coverage (200 sf/17, 248 sf.)

e. **Absence of detriment**—The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the Zoning Code or the public interest.

FOR SETBACK: The very large (35' x 35' garage) on the opposite corner of Johnson and N. McDonald has a corner lot front yard setback of only 5 feet and causes no problem with vision or line of sight for drivers/vehicles. The request is for a small structure, not a large or tall structure.

FOR EXCESSIVE LOT COVERAGE: The encroachment request is toward a public street and not toward an adjacent lot or structure that might cause light, ventilation or fire safety concerns.

f. **Not of a general nature**—The condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

FOR SETBACK: The current zoning code does not differentiate between a front yard setback for a large principal dwelling vs. a small storage building on a corner lot. The code only says no structures of any kind can encroach in setbacks and no accessory structure can be located in front of a principal structure. Until such time as the code might be modified the setback requirements apply to all structures, large or small.

FOR EXCESSIVE LOT COVERAGE: Although the percentage of lot coverage allowed by the code is rather small, this request only adds a small amount to the existing coverage and not such an excessive amount of new coverage than a change in the code is warranted.