

## LETTER OF INTENT

ARC-22-137 and ZON-22-092 is a request for site improvements to the hardscape and landscape plans, including a new motor court, relocating a freestanding landscape wall and a new landscape plan for the residence at 321 Barton Avenue that includes the removal of garage parking. The plan requires variances to open space and landscaping requirements at 321 Barton Avenue. The required plans are submitted with this Application.

Section 134-893. Applicant is requesting variances to permit the above-described scope of work. The following zoning relief is requested:

1. Section 134-893(b)(12)a. – A variance for landscape open space of 30% in lieu of the 35% existing and 45% minimum required.
2. Section 134-2179(b) – A variance to permit off-street parking in the motor court in lieu of a garage.

**Criteria for Site Plan Review – N/A**

**Criteria for Special Exceptions – N/A**

**Criteria for Authorizing a Variance (Applicable to all three variance requests)**

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

The hardship and special conditions applicable to this property are that the lot is non-conforming in its size including both width and depth, and the home was built in 1928. Access to the home is very challenging. The original garage was converted to a laundry room by a prior owner, so it is not useable. The very narrow existing driveway also fails to provide passable access to the building formerly used as a garage. In addition, there is a 6' high site wall at the end of the existing driveway, so exiting the driveway is very dangerous.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

This tiny lot is inherent to the property, and the garage was converted by a prior owner.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because open space will be preserved, and the only change is to change some of the landscape to driveway/hardscape. Safety and aesthetics will be enhanced.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

It is common in this neighborhood for small properties to be non-compliant regarding the green space and open space requirements.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The applicant is proposing to add landscaping in other areas to minimize the relief requested.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
  - i. Be granted only for the continuation of the same hotel or residential use; and,
  - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation enhances both the safety and aesthetics of the existing 1928 home on this very small, non-conforming lot.