

LETTER OF INTENT

ARC-22-244 and ZON-23-004 is a request for the demolition of existing home and construction of a new 3,736 two-story single-family residence at 422 Australian Avenue. The required plans and zoning history are submitted with this Application.

Sections 134-201. Applicant is requesting two variances in connection with the proposed new single-family residence.

The following specific zoning relief is requested:

1. Section 134-948(1). Variance to permit construction of a new single-family residence on a lot with an area of 6,250 sq. ft. in lieu of 10,000 sq. ft. minimum required.
2. Section 134-948(2). Variance to permit construction of a new single-family residence on a lot with a width of 50' in lieu of 75' required.
3. Section 134-1669. Variance to permit a new wall to screen the mechanical equipment in the east side yard setback with a height of 11'6" in lieu of 9'6" maximum permitted at an elevation of 2'6".

The hardship that runs with the property is that the lot is very small and narrow and is unbuildable under the current R-C lot, yard and area requirements. This area of Town has many different sized properties and uses and includes very similarly sized lots immediately to the west and across the street to the northeast. The neighbor to the west built a similarly sized two-story home on a 50 foot wide with a lot area of 6,250 sq. ft. lot in 2016. If this lot were in the neighboring R-B zoning district, no variances would be required. The third variance for the height of the new screening wall is required to accommodate the wishes of the neighbor to orient the home away from the neighbor.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

Criteria for Special Exceptions – N/A

Criteria for Authorizing a Variance (Applicable to both variance requests # 1 and 2)

The criteria and justifications for the two variance requests are the same because both requests are caused by the non-conforming width of the lot. As such, we have addressed the criteria and justifications collectively. The non-conforming width results in the required variances per Section 134-948(2) related to required lot width (75') and the required variance per Section 134-948(1) for total area of 10,000 sq. ft.

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 current applicable lot width and size requirements render this lot unbuildable without the requested variances despite homes built on similarly sized lots on this street.

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

The special conditions are inherent in the size and width of the lot.

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 several other homes on similarly sized lots exist in this area.

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.

Literal interpretation of the ordinances would deprive Applicant of the right to build a new home on this lot and enhance the neighborhood.

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

The requested relief is the minimum necessary for the requested use because no variances for the home other than those related specifically to the lot characteristics are requested. All setbacks, open space, lot coverage and other requirements are satisfied.

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 these lot requirements are inconsistent with many of the lots in this zoning district, and the proposed home will be harmonious with other neighboring homes.

Criteria for Authorizing a Variance (Applicable to variance request # 3)

The criteria and justifications for the variance request is because the request is caused by “flipping” the floor plan at the request of and to accommodate the neighbor to the west. Otherwise, no variance would be required. The lower elevation in the east side yard setback results in the need for an additional variance.

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 current applicable lot width and size requirements render this lot unbuildable without the requested variances despite homes built on similarly sized lots on this street. If the home were oriented to the west, then no variance for the wall would be required.

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

The special conditions are inherent in the size and width of the lot. The variance for the wall results only to accommodate the requests of the neighbor to the west.

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 the wall actually benefits the neighbors by screening the mechanical equipment.

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.

Literal interpretation of the ordinances would deprive Applicant of the ability to accommodate his neighbor's request.

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

The requested relief is the minimum necessary for the requested use because the original orientation of the home would not require this variance.

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 Applicant is trying to reduce impact on its neighbors. Otherwise, the variance would not be required.

EXHIBIT “A”
Site History

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| 7/10/90 | Variance #7-90 approved to permit conversion of a two-family residence into a single family residence with elevation of 5.2’ in lieu of 7.5’ required |
| 10/12/93 | Variance #51-93 Carport Awning – Variance approved to permit an awning over existing carport with a side yard setback of 3.6’ in lieu of 10’ required |