

Please explain your Variance request and the development standard(s) which you would like to modify.

We are requesting a variance to allow an existing wall (western wall of the garage) to remain in place. The wall currently extends several inches into the side setback.

Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or a historic structure. Attach additional pages as necessary.

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

1. The lot is more than 2.5 times long as it is wide, making it abnormally narrow for a lot of comparable square footage. It is the narrowest lot in the group of properties encircled by Escalona Dr., Sacramento Ave., and El Salto Dr.
2. The existing dwelling is in an offset position relative to the side property boundaries; while there is encroachment over the setback on the westside, there is room to spare on the eastside. The width of the dwelling is approximately 40 feet while the width of the property is approximately 50 feet. If the dwelling were centered relative to the property lines, there would be no need to apply for a variance.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Strict application of the zoning code requirements would prevent the property from utilizing 80% of the width of the property without also realigning the east side of the dwelling (moving it closer to the property line). While technically it would be possible to do this, it is cost prohibitive and unreasonable.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

On a disproportionately narrow lot, maximizing the width of the dwelling is more important than it is on a wider lot. The variance is necessary to preserve the right to utilize the maximum allowed 80%. Without it, the property must be shifted in order to maintain 80%, which would be cost prohibitive.

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.

The variance would allow an existing structure to remain in place. Therefore it would have zero impact.

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

There are other properties in the neighborhood, including the same street, where encroachment over the side setback is greater than the encroachment this variance would allow. In one example, the property on 510 Escalona Drive has a garage that appears to extend all the way to the property line.

The fact that the wall extends into the setback is not advantageous (special privilege), but a result of the unfortunate fact that the structure is not centered between the side property boundaries.

The most common lot width in Depot Hill is 40 feet, meaning most properties are limited to 4 ft side setbacks. While this variance would allow the primary structure to extend into the setback, it would not allow the structure to come within 4 feet of the property line, which is the limit most properties are subject to.

F. The variance will not have adverse impacts on coastal resources.

The variance would allow an existing structure to remain in place. Therefore it would have zero impact.