

07°43'30" W	22.27'
11°52'20" W	61.73'
16°39'47" W	41.55'
23°49'51" W	16.33'

BROADWAY INTERPLANT
RAILROAD
DB.-64A/PG.-211
TAX MAP 060G "B"
PARCEL 001.00

15' WIDE PUBLIC
SEWER EASEMENT

30' STREAM
BUFFER

SEE DB.-1027C,
FOR EASEMENTS

WAYNE LITTLE
DB.-778C/PG.-153
TAX MAP 060G "E"
PARCEL 012.00

15' WIDE PUBLIC
SEWER EASEMENT

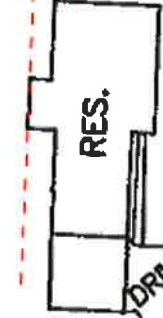
LOT 2R
1.04 AC.±

15' WIDE PUBLIC
WATER EASEMENT

18x33' pool
surrounded by 8'
wide deck

DON HALL
DB.-001C/PG.-022
TAX MAP 060G "E"
PARCEL 011.00

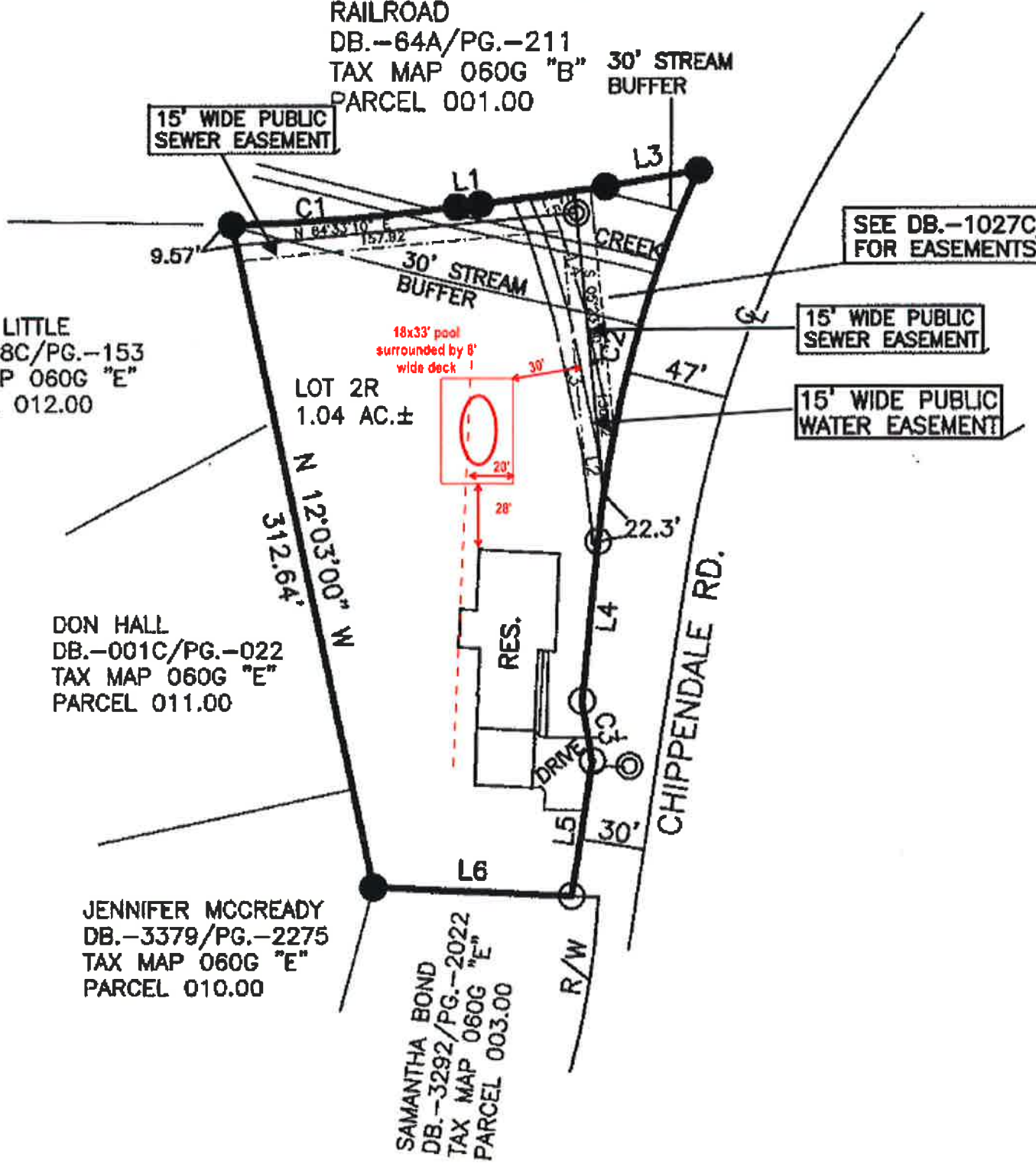
N 12°03'00" W
312.64'



JENNIFER MCCREADY
DB.-3379/PG.-2275
TAX MAP 060G "E"
PARCEL 010.00

SAMANTHA BOND
DB.-3292/PG.-2022
TAX MAP 060G "E"
PARCEL 003.00

CHIPPENDALE RD.



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The topography of 1004 Chippendale Rd has narrow, flat front and side yards with a nearly vertical back yard. The back yard is approximately ten feet deep before reaching a retaining wall. This hardship is not generally shared with neighboring houses, who have back yards.

The purpose of this variance will allow an accessory structure (pool and deck) in the side yard of 1004 Chippendale Rd.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The strict application of this chapter would deprive the applicant of *all* reasonable use of the land. No accessory structures are allowed in the side yard, which would essentially remove all use of the land.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The topography of 1004 Chippendale Rd was not the result of the actions by the applicant. The layout of the land has not changed since the neighborhood was originally drawn and built.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

This variance (pool and deck accessory structure) will not harm the public safety or alter the essential character of the neighborhood. The pool deck will be locked and monitored remotely for unauthorized access. Additionally, the deck will be stained dark brown or red to match existing fence colors and is hidden by trees/shrubs as you are entering the neighborhood and located in the back half of the side yard (further from the street). There are also multiple houses in the neighborhood with pools and yard barns in their side yard or have them in their rear yard but are viewable from the street.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.





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