

Before any MINOR VARIANCE can be granted, four conditions must be met.

1. ***The application of the ordinance to this particular property would create an unnecessary hardship.***

The home on this lot had already been constructed by the time the encroachment was discovered. As built, a small portion of one corner of the home encroaches into the south side yard setback. It would create unnecessary hardship upon the Applicant to force them to remove and destroy the entire existing home based on such a small encroachment.

2. ***There are peculiar conditions of the property or structure which contributed to the encroachment.***

The shape and size of the lot makes designing and placing a home upon the lot difficult which contributed to the encroachment. The narrow front portion of the lot makes positioning the home on the lot within the side yard setbacks, while still ensuring that the front yard depth is aligned with the rest of the neighborhood, difficult.

3. ***Relief, if granted, would not cause detriment to surrounding properties, or, in general, the public good.***

The relief would not cause detriment to neighboring properties or the public good. Only a small portion of the home encroaches into the side yard setback area. The encroachment may only affect the neighboring property to the south; however, there is still ample space between the two properties along the majority of the shared property line.

4. ***The relief requested would not impair, or be contrary, to the purposes and intent of the ordinance.***

The ordinance is intended to ensure that there are adequate side yard setbacks between single-family homes, ensuring access to utilities, suitable distance between structures, and uniform development. In this case, only a small corner of the home encroaches within the setback area which still provides ample distance between homes along the majority of the shared property line. The encroachment will not prevent utility holders from accessing any utility easements or any portion of the structures on the subject property or neighboring property. There is still adequate space between the structures on both properties. Finally, allowing the encroachment will promote uniform development within the neighborhood because the design of the existing home and the depth of the front yard are both consistent with the rest of the neighborhood.