

Standards for Variance

Alon Andrews Residence ADU: 1438 Morrison Street

- 1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.**

Alon Andrews wishes to adaptively re-use the existing "tobacco barn" which sits in the rear yard as an Accessory Dwelling Unit. The footprint of the structure is 822 square feet and the intent of the code is to limit the ADU to 700 square feet. The proposal, after a series of iterations, is to remove 85 SF of and create a courtyard which is contained within the existing footprint of the building. This reduces the total building area to 737 SF. If the 8" thick exterior brick walls are removed from the building area count, the area is reduced by approximately 75 SF to a total of 662 SF. In addition, the building is located closer than 3' to the property lines on (plan) north and west sides. This dimension varies but is no less than 2.1 feet. The west side meets the required setback.

The roof deck is a common element to be used by the ADU and the Primary Residence.

- 2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.**

Although final approval for this requires a conditional use, the proposed use is allowed for in the code.

- 3. For an area (setbacks, etc.) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.**

If the variance is not granted it would be burdensome in that the two exterior walls would be required to be removed, which would essentially result in the construction of an entirely new building.

- 4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.**

The difficulty/hardship is created by the terms of the ordinance and not by someone who has an interest in the property.

- 5. The proposed variance shall not create substantial detriment to adjacent property.**

The proposed variance shall not create any detriment to properties neighboring all sides.

- 6. The proposed variance shall be compatible with the character of the immediate neighborhood.**

The footprint of the building will not change (although the square footage will be reduced) and although there is a proposal for a storage loft/clerestory element, the height of this element is way under what is permitted by the code. The proposed floor to roof dimension for this element is 16'-4" and 25' is allowed (by Conditional Use).