

C15-2012-0062

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

**This two family structure was legally built in 1986 in its current location. The City approved the building plans despite the oversight of the 25 foot rear yard setback of a through lot encroachment. A building permit was issued and the building passed all the required building inspections and the building permit was "finaled" creating a legal non complying structure. There is no proposed work on this two family structure.**

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

**A building permit was issued for the two family structure by the City and all subsequent building inspections were approved creating its existing legal non complying classification. The fact that the lot is a through lot was not caught by the City reviewers or inspectors at the time resulting in its legal non complying structure status.**

- (b) The hardship is not general to the area in which the property is located because:

**The oversight of the 25 foot rear yard setback on a through lot by the City and the issuance of the permit resulted in the structure being built 7 feet into the rear yard setback. Any current application for a two family structure would be required to be built within the 25 foot rear yard setback as required in section 25-2-515**

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

**This two family structure was built in 1986 and the immediate neighboring structures at 1710 Drake and 1712 Drake are situated in close proximity to their lot lines and the use has historically been residential which will continue.**