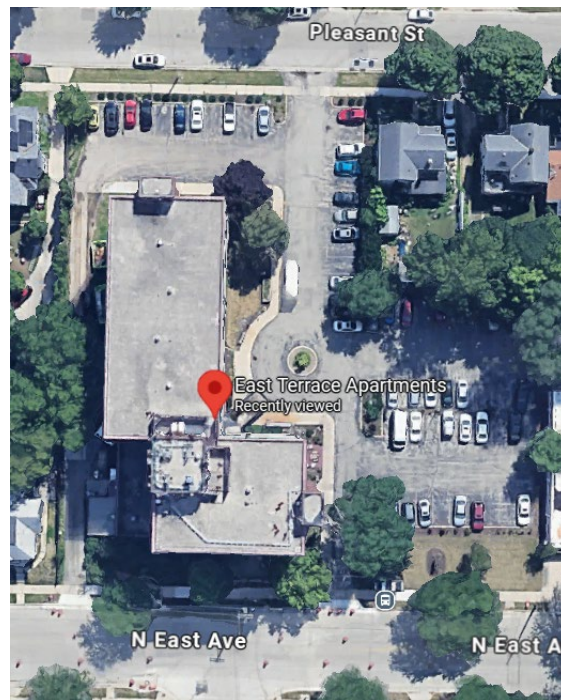
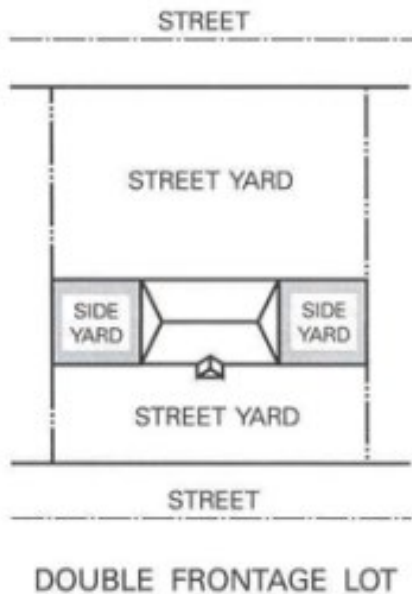


Variance Response

1. Special circumstances exist that apply only to the property for which the variance is requested, and not to any other neighboring properties. The special circumstances must relate to the property itself, and not to the applicant's desired use of the property. Explain the circumstances and how they are unique to the applicant's property.

The subject property has a unique lot configuration in that it contains two street frontages, resulting in the absence of a defined rear yard under the zoning code. Because Section 22.58 (1)(b) requires accessory structures to be located in the rear yard, this requirement cannot be met on this property due to its physical layout.

Unlike typical interior lots that have clearly defined front, side, and rear yards, this property functions as a double-frontage lot where all yards are classified as either street yards or side yards. As a result, there is no compliant location where an accessory structure can be placed under the current ordinance.



2. Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant. Explain how the owners of neighboring properties are able to enjoy property rights that the applicant cannot.

Owners of neighboring properties with standard lot configurations are able to construct and utilize accessory structures in their rear yards. However, because this property lacks a rear yard entirely, the applicant is effectively prohibited from constructing any accessory structure, regardless of size or impact.

The owner is denied the same reasonable property rights enjoyed by others in the district solely due to the lot's configuration. Granting the variance would allow the property to have similar use rights—specifically, the ability to incorporate an accessory structure such as a solar carport—consistent with other properties.

3. The variance is not being requested solely for economic loss or gain. Explain how the variance is not just to increase property value or to allow profit-making activities.

The variance is not being requested solely for economic benefit. The proposed solar carport serves a functional purpose, including providing covered parking, improving site usability, and supporting renewable energy generation.

4. The applicant's hardship is not self-created. Explain how the special circumstances relating to the property are not caused by the applicant's actions or wishes.

The hardship arises from the property's original platting and configuration as a double-frontage lot, which eliminates the presence of a rear yard. This condition was not created by the applicant and cannot be altered without significant and impractical changes to the lot itself. The owner is seeking to work within these existing constraints to make reasonable use of the property.

5. The variance would not defeat the purpose of the zoning ordinance, and would not be a detriment to neighboring properties. Variances cannot be contrary to the policy reasons for the ordinance from which the variance is requested. Explain how the variance would work within the existing zoning rules and not undermine the reasons for them.

The proposed solar carport will be located within an existing parking area in the side yard, maintaining orderly site design, traffic flow, and safety. It will not introduce additional intensity of use, noise, or be a detriment to neighboring properties.

The structure would follow all zoning requirements listed in Section 22.32 RM-3 Multi-Family Residential District and Section 22.58 Accessory Use Regulations, other than this variance request for Section 22.58(1)(b).

Additionally, the structure represents a modern, well-designed improvement that supports sustainability and may enhance the overall appearance and functionality of the site. Granting the variance would uphold the intent of the ordinance while allowing reasonable use of a uniquely constrained property.