

## **Variance application for 823 NW 31<sup>st</sup>**

**Submitted by Ken Fitzsimmons on behalf of Owners Jennifer Aycock and Josh Farmer**

**March 7 2024**

**a. The application of the ordinance to the particular piece of property would create an unnecessary hardship:**

Requiring a 15' setback from the Francis Ave would create an unnecessary hardship as it does not allow addition as needed to serve functional needs of our long term medical condition. We require a one story house, as we plan to live here for the rest of lives, and we both have RA (Rheumatoid arthritis) and stairs are already difficult for us both, and we are only 52 and 48 years old. We both take shots biweekly and the nature of the disease is degenerative. We are adding the pool for low impact exercise. We also have an 11 year old, so we need to develop a big enough property to add bathrooms for all of us (only have one now). We would not be able to add enough one area in a single without the exemption to corner street side setback.

**b. Such conditions are peculiar to the particular piece of property involved:**

Since it is a corner lot, the combined setbacks, per standard zoning, does not allow enough development area, measured in the east / west direction, for our needs.

**c. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or comprehensive plan:**

If granted, the property will still have a substantial and adequate setback from the road. Francis is not a major thoroughfare. The setback, as requested, would be in line with the neighbor's houses along Francis which appear to be built much closer than the 15' setback. Nearly all of the houses along Francis appear to be built up to, or very close to, the property line. The proposed setback would be in line with the nature of the community and the location and placement of structures already built along Francis. We are also proposing to add an accessible sidewalk, for the good and improvement of the community, as well as repair of the sidewalk along 31<sup>st</sup>.

**d. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship:**

This variance would provide us with the ability to fully enjoy our property rights. To disallow this variance would require us to build up, which is not a realistic option for us. Not only would building up make it very difficult for us to navigate our own home, but it would also be out of character for the mostly one story neighborhood.