

Letter of Justification

Background

We are requesting a 12' variance to the required 20' rear setback for a proposed screen porch. The property, located at 8013 Carlean Court in Pasadena, is currently zoned R5 and requires a 20' rear setback for any structure that has a roof. This lot is not in the critical area nor in a bog protection area. The project proposes to construct a 12' in projection by 25' wide screened porch on the rear of the existing single-family dwelling. The porch is one story over with an interior height of 8', on a deck structure that is 3'-4" above ground.

Reviewing property records from SDAT, the existing dwelling is shown at 2,830 square feet while the existing residential lot is only 7,976 square feet. The lot is fairly small for the dwelling. Furthermore, the lot is oddly shaped showing more as a trapezoid than a traditional rectangle. This trapezoidal shape creates a portion of the rear lot line that is much closer to the existing dwelling than the other side. However, the existing dwelling has an existing exterior door on the side or portion of the rear wall that is toward the closer side of the rear lot line. This is why the location for the proposed porch is on the closer side and why the variance is needed. Furthermore, it will be added below that the area behind this lot is actually also owned by this same applicant and thus no other resident is affected by the request.

Having said this, let this letter further detail the practical difficulty and undue hardship that would be imposed with the strict application of the zoning requirements.

Justification per 18-6-305

As outlined above, the lot *does* exhibit constricting shallowness, lot size, and shape. The lot itself is small for the dwelling. Due to the trapezoidal shape, there is a unique shallowness on the side of the rear wall that has the existing usable door. This shallowness is unique to the lot due to the shape and placement of the dwelling. The screened porch is only proposed to be 12' in projection which is very modest, and the smallest room practical as any shorter would not be very usable. Even if this 12' projection was moved to the side of the existing rear wall of the house that is at the furthest point to the rear lot line, it would still result in a 17' setback and would thus *still* require a 3' variance. Stated another way, the *existing* house only 30' from the rear lot line at its furthest point, and right at the 20' required rear setback at its closest. This demonstrates its shallowness as the house is already at the minimum and any development there would require a variance.

Not granting this variance would also result in an undue hardship that is not financial in nature. Nearly all other neighbors in this residential area are able to improve their rear yard with amenity that allows them to enjoy this space. The applicant is not in a position to simply move so improvement on their existing is the preferred option. The project is for a modest screen porch and not an enclosed addition, specifically so that they are not creating a large obtrusive structure. The applicant simply wishes to enjoy the rear yard in expanded weather conditions that would otherwise prevent them from

doing so. Not granting this variance would deny them of that ability which many of their neighbors are not denied of due to a more normal lot.

While the above facts justify the need and ability for the approval of the variance, we will also address the necessary requirements under paragraph C.

The variance is the minimum necessary to afford relief. The applicant specifically chose to not enclose the structure and left it as a screened porch to allow increased light and air through the structure. Furthermore, at only 12' in projection, it is the smallest practical size so as to not create a closer setback than needed. Moreover, the applicant owns the 20' right of way that exists behind this property. This right of way extends not only the entire width of this lot, but actually runs 726' from Freetown Road, all the way behind all lots on either side. In essence, this means this screened porch is actually 28' away from the rear of the land owned by the applicant (which would not need a variance).

The variance will not alter the essential character of the neighborhood or district in which this lot is located. The proposed structure is simply a screened porch on the rear of an existing residential dwelling. That type of structure is pervasive throughout the neighborhood. The only need for the variance is the distance, which as has been shown, is not detrimental in any way.

The variance will not substantially impair the appropriate use or development of adjacent property. The only property line affected by this variance is the rear property line. The adjacent property to that property line is a 20' right of way that is owned by the applicant for this variance. Because it is a right of way that extends all the way to Freetown Road, the applicant prefers not to merge this land with their own lot. Regardless, this shows that the extra land is not impacted by the approval of this variance.

The variance will not reduce forest cover in the limited development and resource conservation areas of the critical area. Actually, the proposed porch will not reduce forest cover in any way as there are no trees that need to be removed. Regardless, this lot is not in the critical area.

The variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area or bog protection area. Again, no clearing is needed, and since the porch is on a deck using post/pier footings, no grading is needed. But again, this lot is not in the critical or bog protection areas.

Finally, the variance will not be detrimental to the public welfare. As a residential lot, this screened porch is not open to the public nor even viewed by the public. As has been shown, the only lot affected by the request is the rear lot line and this lot line is shared by land owned by the applicant. This is also not on a road that would be impacted by sight lines as the lot in question is at the end of a cul-de-sac. Public welfare would not be affected in any way.

Conclusion

For all reasons contained herein and by reviewing the peculiarity of the situation depicted by the enclosed site plan, we hope you agree that the findings fit the criteria that allow the minor variance request to be approved. Thank you in advance.



CARLEAN COURT

115.79

Scale 1"=30'

ELEVATION

- Height from grade to porch floor = 3'-4"
- interior wall height = 8'-0"
- Total Height from grade to highest point of roof = 15'-4"
- Ex. Basement in Rear Yard is 40" above grade. Prop. porch serves ex. 1st floor



LOCATION DRAWING
 PROPERTY THAT I HAVE
 SET NO. 21 OF SECTION
 BUYERS LAND

DATE: 10/15/2011
 MADE BY: PROFESSIONAL LAND SURVEYOR
 NOTE: THIS DRAWING IS FOR THE PURPOSE OF THE ESTABLISHMENT OF PROPERTY BOUNDARIES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 SOFT COPY OF THIS DRAWING IS AVAILABLE FOR VIEWING AT THE OFFICE OF THE SURVEYOR.
 FILE NO. 10-15-2011-001
 SCALE: AS SHOWN

CONVEYANCE FOR THE PURPOSE OF LOCATING
 AND THE IMPROVEMENTS ARE LOCATED
 THEREIN IS INTENDED TO BE USED BY THE PARTIES TO THE SAID
 THE REQUIREMENTS OF THEIR LENGTH OR WIDTH AND TO
 BE USED IN CONNECTION WITH TRANSFER, FINANCING, OR OTHERWISE
 TO BE RELIED UPON FOR THE ESTABLISHMENT OF BOUNDARIES
 OF FENCES, GARAGES, POLES, BUILDINGS, OR OTHERWISE
 OR FUTURE IMPROVEMENTS, AND IT DOES NOT CONSTITUTE
 ANY GUARANTEE OR IDENTIFICATION OF PROPERTY BOUNDARIES AND
 CONVEYANCE MAY NOT BE REQUIRED FOR THE PURPOSE OF THE
 SECURING FINANCING OR RETAINING

DAI

PROFESSIONAL LAND SURVEYOR
 1000 WEST 10TH AVENUE
 DENVER, COLORADO 80202
 PHONE: 303.733.1111
 FAX: 303.733.1112



Scale 1"=60'

