

534 Placid Ct. Variance Questionnaire Responses – Pavilion Request.

REV4.26.26

1. Ordinance Section(s):

The variance is being requested from Sec. 138-10.101 – Attached Accessory Structures, which states that any accessory structure located within ten (10) feet of a principal building is considered attached and must comply with the side and rear yard setbacks applicable to the principal structure.

The applicant is requesting a 1.5-foot variance from the required 10-foot separation, allowing the proposed 18' x 15' pavilion to be located approximately 8.5 feet from the main building. Without this relief, the pavilion would be classified as an attached structure and be required to meet the principal structure setbacks, which is not feasible given the site constraints.

2. Review Criteria (Non-Use Variance):

This request is for a non-use variance, as it pertains strictly to dimensional requirements—specifically the separation distance between the principal structure and an accessory structure. The request is based on practical difficulty related to the physical characteristics of the property.

3. Practical Difficulty:

Strict compliance with the 10-foot separation requirement creates a practical difficulty by eliminating the ability to construct a functional pavilion in the only logical location on the property.

The rear yard depth from the home to the rear lot line is approximately 30 feet and is entirely within the required setback. The existing raised patio and pool occupy this area due to grade conditions at the rear of the home, leaving limited usable space.

Requiring a full 10-foot separation would push the pavilion further into the rear yard setback, which is not permitted, or force the structure into an impractical or unusable location. The requested 1.5-foot variance represents a minimal deviation necessary to allow a reasonable and functional outdoor living improvement.

4. Substantial Justice:

Granting the variance will provide substantial justice to the applicant while maintaining

fairness to neighboring properties. The requested deviation is minor in nature and will not alter the character of the neighborhood.

The pavilion is located behind the home adjacent to the pool and is not visible from neighboring properties. The rear yard abuts a natural wetland and pond, with no residential neighbors behind the property. As such, the reduced separation distance will not create any negative impacts related to privacy, light, air, or safety.

The request allows the property to be used in a manner consistent with similar residential properties while preserving the intent of the ordinance.

5. Lesser Variance:

A lesser variance would not provide meaningful relief. Even a slight increase toward the 10-foot separation requirement would either force the pavilion into the rear setback area beyond what is feasible or disrupt the functionality of the existing patio and pool layout.

The requested 1.5-foot variance is the minimum necessary to maintain a usable design that integrates with the existing outdoor space. Any lesser relief would not resolve the practical difficulty.

6. Unique Circumstance:

The need for the variance is due to unique physical characteristics of the property, including:

- Limited rear yard depth (approximately 30 feet from the home to the rear lot line)
- The presence of a full-depth rear setback
- Existing raised patio and pool constructed due to grade conditions
- The property backing to a natural wetland and pond with no rear neighbors

These constraints create a narrow and constrained buildable area that is not typical of other properties in the zoning district.

7. Not Self-Created:

The hardship is not self-created. The location of the home, the required setbacks, and the natural features of the property are pre-existing conditions.

The need for a 1.5-foot variance arises from the interaction between these existing site constraints and the ordinance requirement for a 10-foot separation. The applicant is seeking only minimal relief to reasonably utilize the property, rather than creating the hardship through their own actions.
