





Background Information – 61 Sussex Road

The Circumstances:

- Home purchased in 2019; Eric & Ashley Long
 2nd child, Hayden, Born June 2020
- In 2021 Hayden was diagnosed with an extremely rare genetic disorder; he is currently non-mobile and nonverbal

- The solution: First-floor ADA living accommodations
 Size and geometry of the lot prevent a side entry garage
 Construction costs + accessibility requirements => repurposing existing garage space, rather than constructing an attached ADA living suite

 - ADA suite design includes optimized functionality & front EMS access A replacement garage will provide a loading / unloading area and a ramp up to the first floor living spaces, out of the weather, at a fraction of the cost of a Suite addition.

- Street-facing garage door violates Zoning & Architectural Design Standards
 The new garage is being positioned behind the front of the existing house significantly (15 ft), to soften the look from the street. [engineering survey underway to finalize width of garage]
 All materials and color selections for the addition will match the existing house

 - Front entry garages are prevalent throughout their neighborhood today

We believe the Design fulfills the 5 principles in Section I-2 and meets the criteria AHBR needs to waive the garage door requirement



Staff notes Section II-1 - Approval and Discretion of the AHBR: c. The AHBR may waive any requirement of these Standards in order to approve a proposed project, if the AHBR finds that the project fulfills the five principles enumerated in Section I-2, and meets one of the following conditions:

Project fulfills the 5 principles in Section I-2

- (1) The project is an exceptional design, meaning that it is either especially creative or it is designed in response to unique situation, such as a very difficult site or an unusual program requirement.

 or
- (2) Exceptional and unique conditions exist that create a practical difficulty in complying with the requirements of these Standards.

 The AHBR should consider the factors enumerated in as defined in the Land Development Code in determining "practical difficulty".

• "Practical difficulty" shall mean an impediment to a permitted use of property resulting from strict compliance with any of the standards of the Code that is determined by the Board of Zoning and Building Appeals by its weighing of the factors set forth in Section 1204.03(a)

1204.03(a) Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards. In determining "practical difficulty," the BZBA shall consider the following factors:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance

The property value will be significantly increased with 1st floor Suite; highly desirable feature in today's housing markets.

(2) Whether the variance is substantial;

This variance is not substantial as over 30% of the homes in the immediate neighborhood have this feature.

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

The character of the neighborhood will not be altered; as over 30% of the homes in the immediate neighborhood have this feature.

- (4) Whether the variance would adversely affect the delivery of governmental services such as water and sewer; N/A
- (5) Whether the applicant purchased the property with knowledge of the requirement;

This applicant was unaware of the requirement, as over 30% of the homes in the immediate neighborhood have this feature.

(6) Whether the applicant's predicament can be obviated feasibly through some method other than a variance; and

While there are other design options, none of them provide the same practical use benefits, and all are significantly more expensive.

(7) Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.

We do not fully understand the intent of this specific requirement, so we cannot address this directly. However, with a general understanding that Zoning and Architectural Standards are established to help preserve the quality and values of the properties therein, granting this variance will only benefit the overall neighborhood.