

Reasons for Relief

Jeffrey and Sara Kantor request relief from the strict enforcement of Section 25-7.1 entitled "Table of District Regulations" which requires a 50' rear yard setback, and section 25-10.2 d 4 which requires a 50' natural state buffer contiguous to other residential zones.

Positive Criteria:

C-1: The site which is the subject of this application is triangular in shape, therefore irregular, and is currently fully developed with a town home complex. When the complex was initially approved in 1986, no variances were required and balconies were permitted to extend to the rear of the town homes. Due to the irregular shape of the lot, and the structures currently and lawfully existing on the site, the only manner in which the balconies can be extended any further is to allow them to encroach slightly into the rear yard setback. In order for unit owners to take advantage of the provided open space, and utilize an area that currently provides little utility, the balconies need to be expanded.

C-2: The extended balconies will allow unit owners to take advantage of light, air, and open space in an area which is now unreasonably constricted.

Negative Criteria:

The property is surrounded by dense buffer which would screen any activity on the balconies and would absorb any noise. Additionally, there are no homes or structures located in the vicinity of the buffer which would be affected by the slight expansion.

Balconies or decks greater than 5 feet are an expected and accepted appurtenance to a town home and as such are recognized as a necessary amenity. Such expansion will increase the value of the complex as a whole and will have no detrimental effect upon the master plan or zoning ordinance.

Proposal:

This proposal is to expand an existing deck which extends 5' from the property to a deck that extends 10' from the property.