

5739 N. Casa Blanca Drive

Variance Application

A request to allow existing perimeter walls to remain as-is



Property Address:

5739 N. Casa Blanca Drive
Paradise Valley, Arizona
APN: 169-42-012A

Prepared by:

Jordan Rose
Nick Labadie
Rose Law Group pc
7144 E. Stetson Drive, Suite 300
Scottsdale, Arizona 85251
480.505.3936

Submitted: September 29, 2017
Resubmitted: November 15, 2017
Resubmitted: March 26, 2018

Request

This request is for a variance from Article XXIV, Section 2404(b)(2) and Table 2404A of the Town of Paradise Valley's Zoning Ordinance ("Ordinance") reducing the minimum side setback where adjacent to a local street to 10 feet where 20 feet is required at 5739 N. Casa Blanca Drive (the "Property"), located on the northeast corner of N. Casa Blanca Dr. and E. Solano Dr. and on the southeast corner of N. Casa Blanca Dr. and E. Palo Verde Dr. (see Exhibit A, Vicinity Map). This lot is unique as it appears to be one of only 6 lots in the entire Town of PV surrounded on three sides by roadway with increased setbacks for walls on all three sides. Notably, these unique characteristics were caused by the Town's actions, when it required ROW to be dedicated to create E. Solano Dr. and E. Palo Verde Dr. When this right-of-way ("ROW") was dedicated to the Town, it transformed the Property into a rare peninsula parcel surrounded on three sides by ROW without any provision for relief by right in the Ordinance. Were that ROW not dedicated, the existing walls would not only be legal conforming walls where they are today, they would be able to be on the Property line; the Property's setbacks would be greatly reduced, and the Property's buildable area would be significantly larger. None of the ROW was sought or requested by the Property owner.

This lot is literally one of one lots in this situation in the entire Town of Paradise Valley. This was not brought up at the last hearing and is monumentally important to the analysis as without this Variance this lot will be treated totally differently than any other R-43 lot in Town. This lot is the only lot in Paradise Valley that is a peninsula lot (streets on three sides) that was not created that way and does not benefit from the relaxed wall setback standard of a subdivision perimeter lot. There are 6 peninsula lots in Paradise Valley that are not at the perimeter of a subdivision; however, they were created that way and always intended to have the larger setbacks.

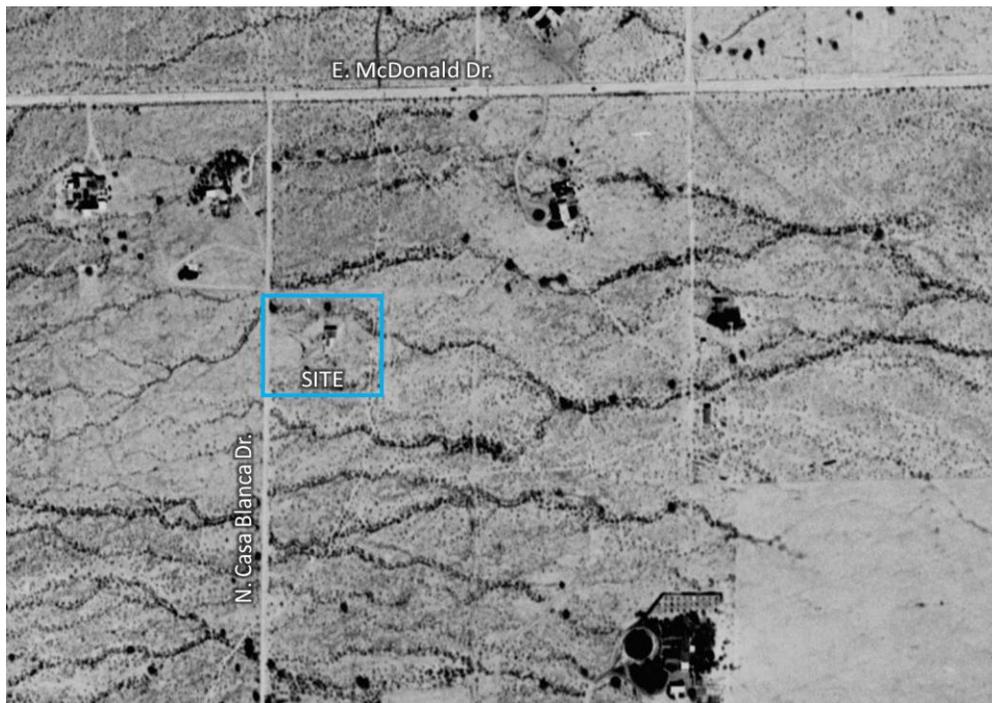
When this situation occurs today, where a new street is proposed that would adversely impact adjacent neighbors' setbacks, the Town recognizes the hardship and creates a small strip of land between the road right-of-way and the adjacent parcels to avoid those parcels' setbacks from increasing. Were the streets around the Property created today, this is what would have likely been done. In effect, the Town admits that in these instances they are creating a hardship and provides a remedy. We believe this makes the hardship clear and of no fault of the Property owner.

This variance is necessary to allow existing fully legally permitted walls, built almost 20 years ago, to remain as constructed and to relieve the hardship created on this property as a result of the lot being in the unusual situation of having two roads constructed on two sides after the original lot was created, making it a unique peninsula lot with greatly increased setbacks.

History

Below is a description of the history of the Property and how it went from being a traditional lot along Casa Blanca Drive (one of the first) to a peninsula lot surrounded on three sides by roads.

The County's records do not show an original plat for the Property, and it appears to be a metes and bounds parcel; however, the County's historical aerial photography shows a home on the Property as far back as 1949. As you can see in the photo below, at that time, there were no other properties on any side of the Property and only N. Casa Blanca Drive existing.



Aerial photo of Property, 1949 (Maricopa County GIS)

Ten years later by 1959, a handful of homes had been built in this area, including to the south, west, and east of the Property. The home to the east appears to have been accessing their lot via a driveway that ran along the north side of the Property, but does not appear to have been an actual ROW, as you can see in the photo below.



Aerial Photo of Property, 1959 (Maricopa County GIS)

By 1975, 16 years later, Desert Arroyos Subdivision was created (see Exhibit B, Desert Arroyos Final Plat) and Solano Road was created to provide secondary access to that new neighborhood. This effectively turned the Property into a corner lot, forcing an increase in side yard setback for walls to 20 feet from 0 feet.



Aerial Photo of Property, 1976 (Maricopa County GIS)

In 2002, the Property was redeveloped and new permits were approved for the new walls and structures, including the perimeter walls as they remain today. Then Community Development Director Hamid Arshadi specifically included in the approval, a condition that indicated only new structures (after what was included in that permit) would need to be in conformance with the Ordinance. If Mr. Arshadi had not intended these walls to be permitted even with new future construction, he surely would have explicitly said that. It is clear this was his intent, as the Town Code provides requirements for new structures to be in conformance with the Town Code. It also sets criteria (Sec. 2415(a)), for when conformance with the Ordinance is triggered. As written and issued, the approval of the walls is in their current location is perpetual and unconditional.

It is our belief that this special approval was given in return for the ROW, which the Property owner dedicated to the Town to create the roadway on the north boundary of the property, E. Palo Verde Dr., which would have otherwise not allowed for the walls to be built where they are today (see Exhibit C, Site Photos).

By creating E. Palo Verde Dr., the Town transitioned the Property from a Corner lot to a very unusual peninsula lot thereby imposing an additional 20 feet of setback along the north property line as well. The current owners are in the process of designing a remodel of the existing home (see Exhibit D, Site Plan) that will continue to improve the area and add to the number of beautiful homes that Paradise Valley is known for but would like to keep the walls as they are today. It is inequitable to require the owner of the Property to bear the entire burden (hardship) of relocating walls and losing buildable area solely to increase the value of a nearby property by improving access to it.



Aerial Photo of Property, 2003/2004 (Maricopa County GIS)

Meets Variance Criteria

Approval of this request for a variance to allow the existing perimeter walls to remain will provide relief from the hardship on the Property that results from it being made an unusual peninsula lot by the Town. Below is a discussion of the legal justifications for the requested variance.

- 1. “Such variance...will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.” (Town Code Section 2-5-3(C)2).**

As discussed above, the Property is in the unique situation of being an unusual peninsula lot due to the creation of two new streets after the creation of the Property and ROW dedication later in the development. This lot appears to be one of only 6 lots in the entire Town that has this condition of being a peninsula lot with increased setbacks for walls on all three sides, and this is *the only* peninsula lot in Paradise Valley that was forced into being due to construction of roads that only benefit other properties. There are roughly 5,720 lots in Paradise Valley, which makes these lots extremely rare at just 0.01% of the Town’s lots (see Exhibit E, Map of Comparable Peninsula Lots). Further, each of the other comparable peninsula lots were originally platted as peninsula lots, whereas the Property was made one by the Town’s creation of the adjacent roads. There are other cases of peninsula lots at the perimeter of subdivisions in Paradise Valley, however it is understood that it would be a burden on those lots to have increased setbacks on all three sides, so the Ordinance allows walls on lots at the perimeter of subdivisions to have a zero setback. This variance is requested to maintain the significant property rights that other properties in the R-43 zoning district and the other 99.99% of lots in Paradise Valley enjoy.

While this may be a larger lot, the imposition of significant additional setbacks takes a large amount of land from the Property and places outside of the perimeter walls, effectively making it part of the shoulder of the road and no longer useable by the Property owner. The attached Exhibit G (1-3), shows how, over time, the Property lost a large amount of usable land.

G-1, shows the original lot (yellow line), its wall setbacks (blue dotted line), and the area of the Property outside of the walls that becomes useful only to the Town and its residents as shoulder to the road. Originally, like other similarly zoned lots, 12,280 square feet were taken for this purpose. On G-2, after the two new roads were put in place, the side setbacks increased dramatically, taking an additional 14,975 square feet. Today, if the variance is not granted, those setbacks will increase even farther, removing an additional 11,980 square feet. This would result in a total of 39,235 square feet (almost a full acre) being taken from the Property, where a similarly zoned parcel not forced into being a peninsula lot would only lose 12,280 square feet. Regardless of the size of the Property or any improvements thereon, no parcel should be required to provide so much more land for the benefit of the Town than other similarly zoned lots.

To alleviate this hardship, the Town need only allow existing, duly permitted walls to remain, which we believe was the intent of the Community Development Director's handwritten approval at the time they were constructed.

2. The "special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake..." (Town Code Section 2-5-3(C)4(b)).

This hardship does not arise out of misunderstanding or mistake. The situation the Property is currently in was created intentionally by the Town in its creation of the new streets but only after the Town agreed to preserve the current location of the walls. Accordingly, this was not done with the intent of creating a hardship for the Property but it was an unintended consequence. Nevertheless, any effort to require relocation of the walls (enforcement of increased setbacks) will result in a significant hardship, which can only be remedied by this variance, the remedy to which is contemplated and provided by the Ordinance in the form of this variance process. It even appears that the former Development Services Director agreed to allow the walls to remain in order to gain additional ROW dedication from the lot's then owner. The lot has participated in helping the Town develop important roadway access in the past and should not now be forced to live without protection from those roadways.

3. "Such variance from...the strict application of the terms of [the Zoning Ordinance]...are in harmony with its general purposes and intents..." (Town Code Section 2-5-3(C)2).

The intent of the setback for walls is to create open space and avoid perimeter walls from being on the property line. This request is in harmony with that intent as the existing walls are setback from the pavement 26'-3" ft. on E. Palo Verde Dr. and 21'-0" ft. on E. Solano Dr. The north wall is 10.4 feet from the property line at its closest point, and the south wall is 11 feet to the southern property line at its closest point (see Exhibit F, Wall Detail). They have been in this location for almost 20 years, and forcing the owner to relocate those walls will not yield any meaningful benefit to the Town or the community at large, rather it will only impose burdens on the lot owner. Neither of these roads will be improved or widened as they are local streets far from a higher-level street. This street condition has served the Town and the surrounding residents well and is only a result of this lot's past participation in ROW dedication. The request and the preservation of the walls is and has been in harmony with the general purposes and intents of the Ordinance.

4. "The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor..." (Town Code Section 2-5-3(C)4).

Neither the Owner, nor its predecessor created this situation, rather, it was the Town's instigation of the ROW dedication that created this unique peninsula lot - the only one like it in Paradise Valley. No owner of the Property has at any point requested or wanted either E. Solano Dr. or E. Palo Verde Dr. to exist. It has been the result of surrounding development that they could not

have stopped. Whether the ROW was dedicated as a result of a taking or given up as a requirement for the improvement of the surrounding properties, at no point did the Property owners wish to dedicate any ROW. The assurance that the permitted walls would be allowed to remain and only new construction would need to be in compliance with the Ordinance was necessary to not create the hardship we are now requesting be alleviated.

5. **“Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.” (Arizona Revised Statutes 9-462.06(G)(2)).**

As discussed above, the Property is unique to almost all others in the Town as an R-43 zoned peninsula lot with increased setbacks for walls on all three sides, and unique to every single other lot in Paradise Valley as it was not originally so. The Property's location surrounded by ROW on 3 sides, when it was originally developed with ROW on just the west side, makes this a special circumstance. The fact that adjacent subdivisions and Town actions caused this special circumstance (as opposed to other peninsula lots that were always planned as such) exerts a hardship on the Property and a deprivation of property rights that is not felt by other lots, even peninsula lots. Without this variance from the strict interpretation of the Ordinance, the Property would be the only lot in the Town that is required to have full setbacks for yards adjoining streets on three sides without ever having been intended or wanting to be. This significantly reduces the buildable area of the Applicant's lot, far more than any other R-43 lot in the Town.

Additionally, the parcel immediately south of the Property enjoys the benefit of a subdivision perimeter wall on E. Solano Dr. that is permitted to be on the property line without any setback. Approving this variance would actually create a setback on the north side of E. Solano Dr. that is 10 feet larger than the south side.

6. **The variance would not “constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located” (Arizona Revised Statutes 9-462.06(G)(2)).**

Granting this request for a variance would not be a special privilege as 99.99% of the lots in the Town already enjoy this benefit. Rather, it would be a relief of the clear hardship allowing the Applicant to enjoy the equal benefit and use of the Property as other similarly zoned properties.

Conclusion

We believe this request for a variance is justified and is the minimum necessary to alleviate the hardship because of the truly unique nature of the Property and the fact that it was created inadvertently by the establishment of two new streets and dedicated ROW on two sides of it. The hardship is recognized today by the Town and a process is in place to avoid property owners from being burdened by it. The request does not constitute a special privilege, is in harmony with the expressed intent of the Town Code and Zoning Ordinance, remedies a hardship that is not self-imposed, does not arise out of a misunderstanding, and would otherwise deprive the property owner of benefits afforded other property owners within the R-43 zoning district and almost every other property owner in Paradise Valley. We respectfully ask that you approve this request.

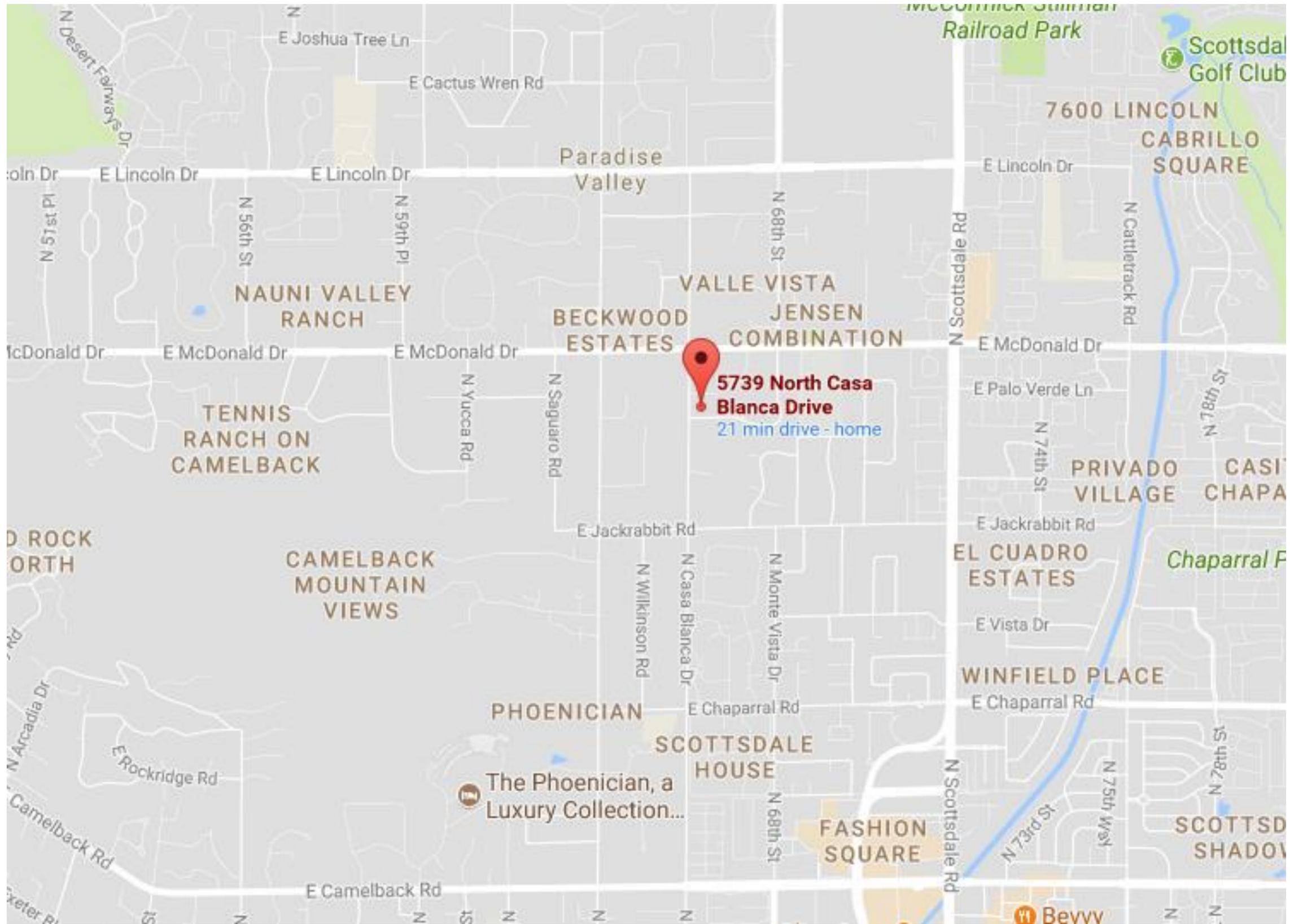


Exhibit A: Vicinity Map

Emerson Residence
5739 N Casa Blanca Dr.
APN: 173-08-004

Rose Law Group pc
7144 E. Stetson Dr.,
Suite 300
480-505-3936

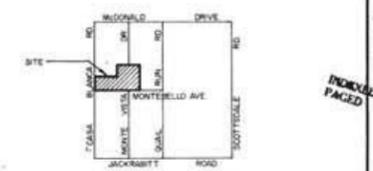


180-22

FINAL PLAT OF
DESERT ARROYOS
 A SUBDIVISION OF PART OF THE N. 1/2, SEC. 15, T.2N., R.4E., G. & S. R.B. & M., MARICOPA COUNTY, ARIZONA

180-22

STATE OF ARIZONA
 County of Maricopa } SS
 I hereby certify that the with
 in instrument was filed and re-
 corded at request of
Western Skies
 on page 22
 of book 180-22
 of this my land and official
 seal in the 23rd year of the
 term of my office.
 Notary Public
 [Signature]



LOCATION MAP

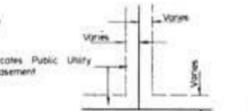
Top of 72" I.P. 2013 West
 of the SE Property Cor
 Elev 1323.77

BENCH MARK

Indicates corner this subdivision - Found or set
 1/2" Iron Pipe unless otherwise indicated

40 Ft Front Yard
 20 Ft Side Yard
 40 Ft Rear Yard

TYPICAL LOT SETBACKS



EASEMENT DETAIL

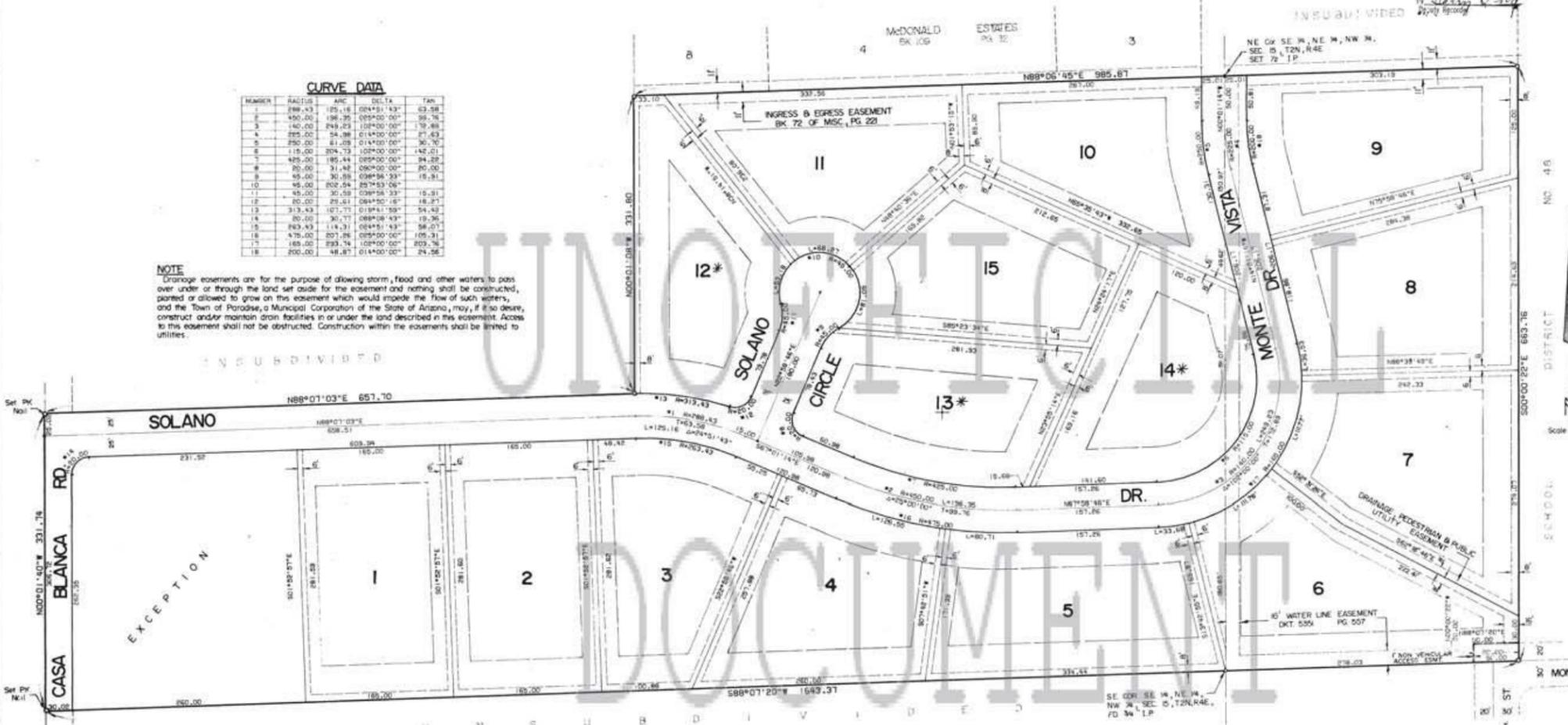
WESTERN SKIES DEVELOPMENT, INC.
 4443 E. THOMAS RD
 PHOENIX, ARIZONA
DEVELOPER

* Side yard setback not adjacent to street shall be 20'.

CURVE DATA

NUMBER	RADIUS	ARC	DELTA	TANG
1	288.43	125.16	024°51'43"	63.68
2	450.00	198.25	025°00'00"	99.75
3	140.00	289.23	024°00'00"	132.80
4	225.00	34.88	014°00'00"	27.63
5	250.00	61.09	014°00'00"	30.70
6	15.00	294.73	024°00'00"	142.61
7	425.00	185.44	025°00'00"	94.22
8	20.00	31.42	024°00'00"	20.00
9	45.00	30.56	024°00'00"	18.27
10	45.00	202.24	25°43'06"	101.12
11	45.00	30.59	024°00'00"	15.31
12	45.00	35.61	024°00'00"	18.27
13	313.43	107.71	019°41'59"	54.42
14	20.00	30.17	024°00'00"	15.36
15	283.43	114.31	024°00'00"	58.07
16	475.00	207.26	025°00'00"	105.31
17	165.00	293.74	024°00'00"	152.76
18	200.00	48.87	014°00'00"	24.56

NOTE
 Drainage easements are for the purpose of allowing storm, flood and other waters to pass over, under or through the land set aside for the easement and nothing shall be constructed, planted or allowed to grow on this easement which would impede the flow of such waters, and the Town of Paradise, a Municipal Corporation of the State of Arizona, may, if it so desire, construct and/or maintain drain facilities in or under the land described in this easement. Access to this easement shall not be obstructed. Construction within the easements shall be limited to utilities.



DEDICATION

State of Arizona } SS
 County of Maricopa }
KNOW ALL MEN BY THESE PRESENTS
 That WESTERN SKIES DEVELOPMENT, INC., an Arizona Corporation, as sole owners, have subdivided under the name of DESERT ARROYOS, a part of the N. 1/2, Sec. 15, T.2N., R.4E., G. & S.R.B. & M., Maricopa County, Arizona, and hereby publishes this plat as and for the plat of said DESERT ARROYOS, and hereby declares that said plat sets forth the location and gives the dimensions of the lots, streets and easements constituting same and that each lot and street shall be known by the number or name given to each respectively on said plat, and WESTERN SKIES DEVELOPMENT, INC., hereby dedicates to the Town of Paradise Valley and the public for its use, the streets and easements shown on said plat and included in the above described premises.
 IN WITNESS WHEREOF WESTERN SKIES DEVELOPMENT, INC., as sole owners, hereunto set their signatures.

Secretary

 Vice President

The undersigned trustee, under deeds of trust recorded in Docket _____, page _____ and Docket _____, page _____, hereby ratifies and approves the dedication hereon.
 ARIZONA TITLE INSURANCE & TRUST COMPANY

ACKNOWLEDGEMENTS

State of Arizona } SS
 County of Maricopa }
 On this the _____ day of _____, 1975, before me, the undersigned officer, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he as secretary of WESTERN SKIES DEVELOPMENT, INC., an Arizona Corporation, as sole owners, executed the foregoing instrument for purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public My Commission Expires _____
 State of Arizona } S.S.
 County of Maricopa }
 On this the _____ day of _____, 1975, before me, the undersigned officer, personally appeared _____ known to me to be the person whose name is subscribed in the foregoing instrument, and acknowledged that he as, Vice President of ARIZONA TITLE INSURANCE & TRUST COMPANY, an Arizona Corporation, as trustee, executed the foregoing instrument for purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public My Commission Expires _____

CERTIFICATION

This is to certify that this survey and subdivision of the land depicted in and subject to this subdivision plat as DESERT ARROYOS was made under my direction during the month of _____, 1975, that this survey is correct, accurate, true and complete as shown herein; and that said monuments are sufficient to enable this survey to be retraced, and they have been located as described.

Registered Land Surveyor Date _____

APPROVALS

This plat was duly approved by the Mayor and City Council of the Town of Paradise Valley, Arizona this the _____ day of _____, 1975.

By: _____ Mayor

 My Commission Expires _____

PLANNERS
 RICHARD CAVINESS-COOPER DOWNS & ASSOC.
 5417 E. Vernon
 Phoenix, Arizona Ph. 994-5943

CIVIL ENGINEERS
 MCAUSLAND-PEARCE & ASSOC.
 2239 N. Hayden Rd.
 Scottsdale, Arizona Ph. 994-9508
 Job No. 965-C July, 1975

180-22

180-22

Exhibit B: Desert Arroyos Plat

Emerson Residence
 5739 N Casa Blanca Dr.
 APN: 173-08-004

Rose Law Group pc
 7144 E. Stetson Dr.,
 Suite 300
 480-505-3936





Exhibit C: Site Photos Index

Emerson Residence
5739 N Casa Blanca Dr.
APN: 173-08-004

Rose Law Group pc
7144 E. Stetson Dr., Suite 300
480-505-3936





Looking North from the NE corner of the property.



Looking South from the NE corner of the property.



Looking West from the NE corner of the property.



Looking East from the NE corner of the property.

Exhibit C: Site Photos - from NE Corner Location #1

Emerson Residence

5739 N Casa Blanca Dr.

APN: 173-08-004

Rose Law Group pc
7144 E. Stetson Dr., Suite 300
480-505-3936



Looking North from the NW corner of the property.



Looking South from the NW corner of the property.



Looking West from the NW corner of the property.



Looking East from the NW corner of the property.

Exhibit C: Site Photos - from NW Corner Location #2

Emerson Residence
5739 N Casa Blanca Dr.
APN: 173-08-004

Rose Law Group pc
7144 E. Stetson Dr., Suite 300
480-505-3936



Looking North from the SW corner of the property.



Looking South from the SW corner of the property.



Looking West from the SW corner of the property.



Looking East from the SW corner of the property.

Exhibit C: Site Photos - from NW Corner Location #3

Emerson Residence
5739 N Casa Blanca Dr.
APN: 173-08-004

Rose Law Group pc
7144 E. Stetson Dr., Suite 300
480-505-3936



Looking North from the SE corner of the property.



Looking South from the SE corner of the property.



Looking West from the SE corner of the property.

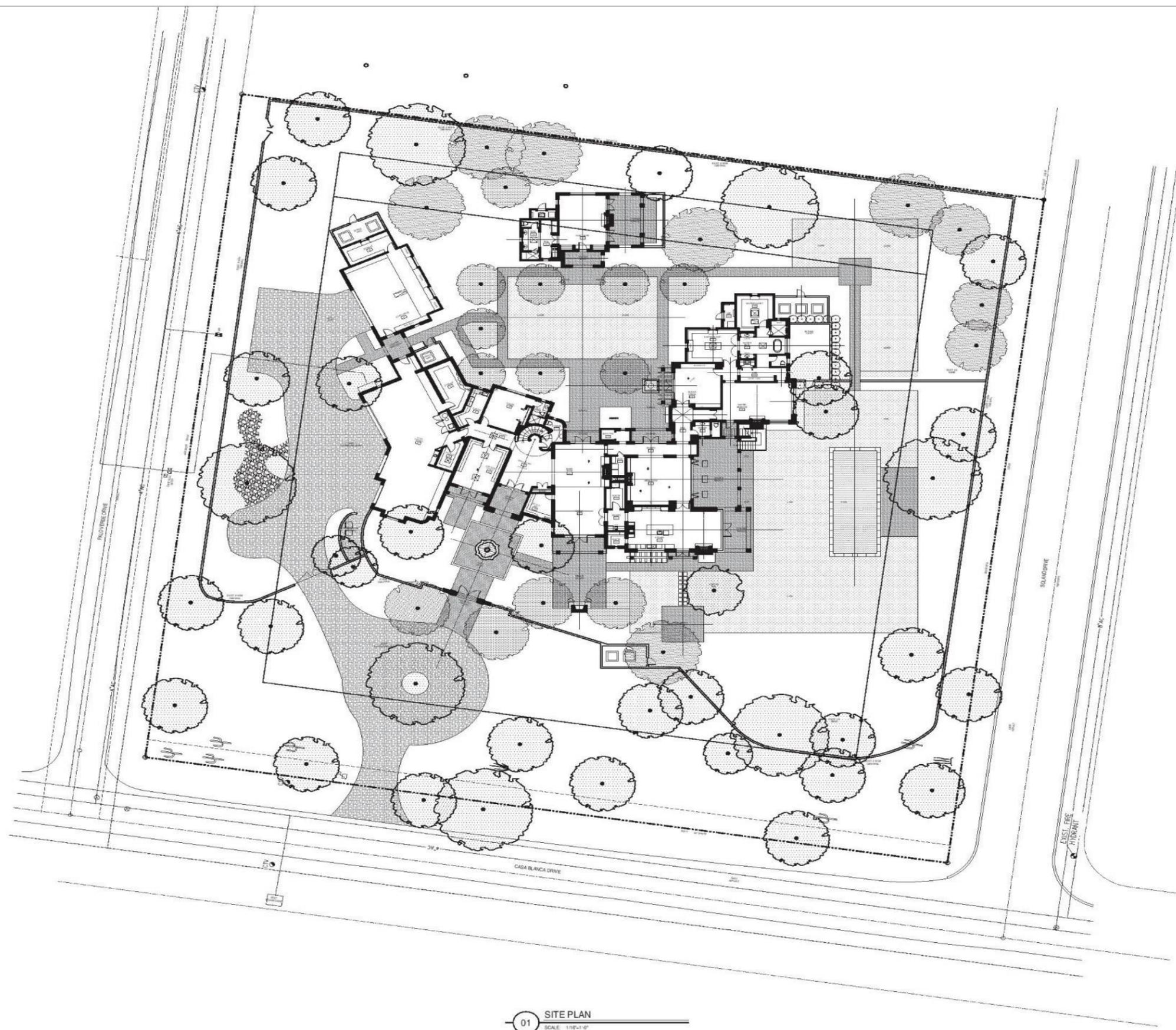


Looking East from the SE corner of the property.

Exhibit C: Site Photos - from NW Corner Location #4

Emerson Residence
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APN: 173-08-004

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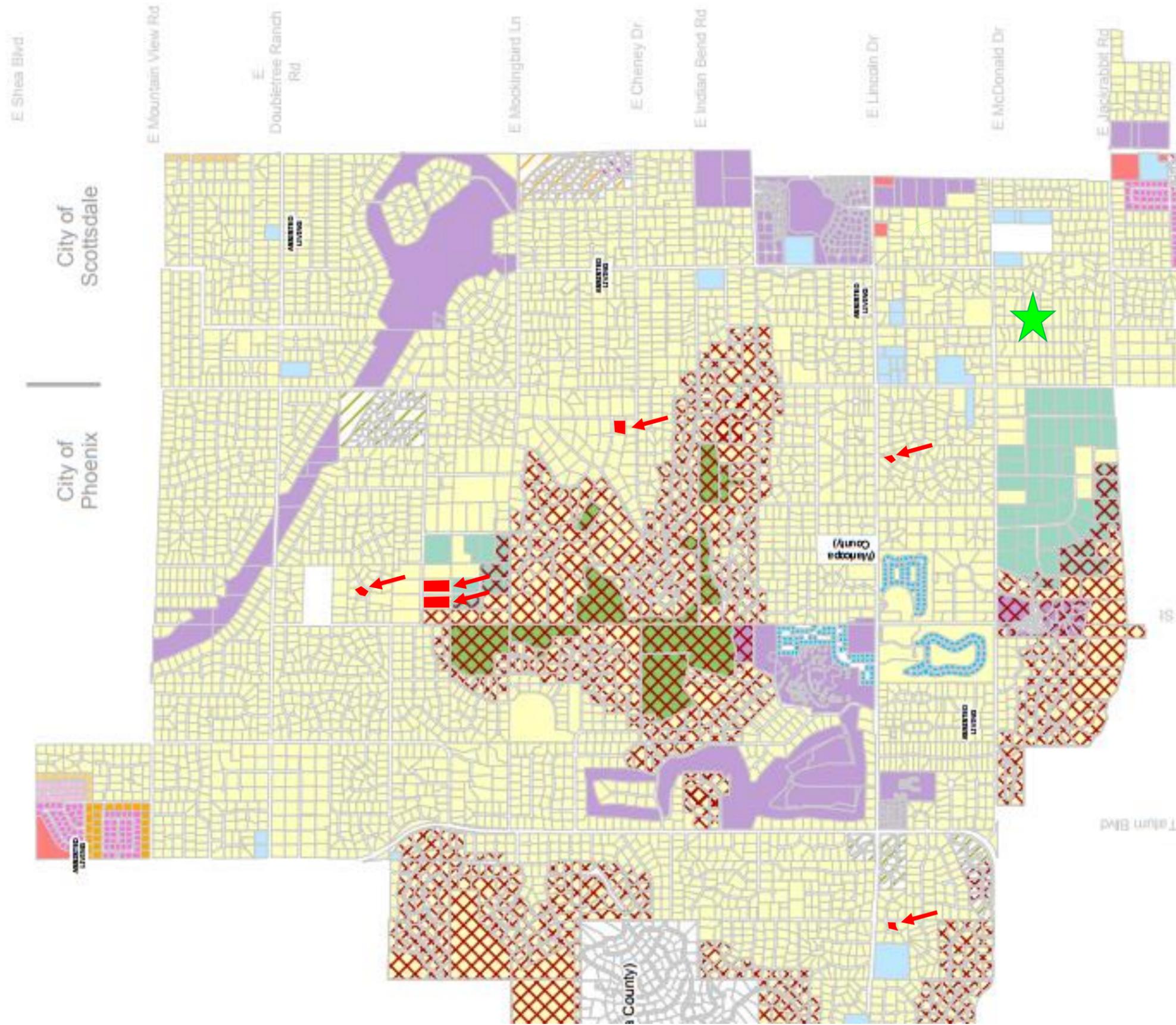


01 SITE PLAN
 SCALE: 1/8"=1'-0"

Revision	
Project #	
Date	9-20-17
Drawn By	

Blochberger
 DESIGN
 5440 N. 46th Place
 Phoenix, AZ 85018
 jmblochberger@cox.net
 phone: 602.992.9081
 fax: 602.957.6018

Exhibit C: Site Plan



★ Subject property – the only peninsula lot in Paradise Valley not platted as such and subject to increased setbacks on three sides.

■ Peninsula Lot

**Legend
Zoning**

- R-175
- R-43
- R-43CP
- R-18CP
- SUP-P Special Use Permit- Public
- OSP- Open Space Preserve
- SUP-R Special Use Permit- Resort
- SUP-O Special Use Permit- Medical
- Hillside
- Public School
- R-35
- R-35CP
- R-35A
- R-18
- R-18A
- R-10

Revised 04/24/13 15:30

Exhibit E: Map of Comparable Peninsula Lots

Rose Law Group pc
7144 E. Stetson Dr., Suite
300
480-505-3936

Emerson Residence
5739 N Casa Blanca Dr.
APN: 173-08-004



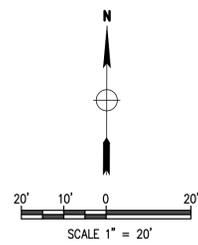


Exhibit F: Wall Detail Map

Emerson Residence
5739 N Casa Blanca Dr.
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INVERGORDON ROAD



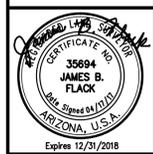
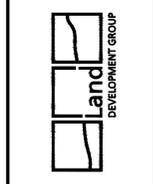
JACKRABBIT ROAD

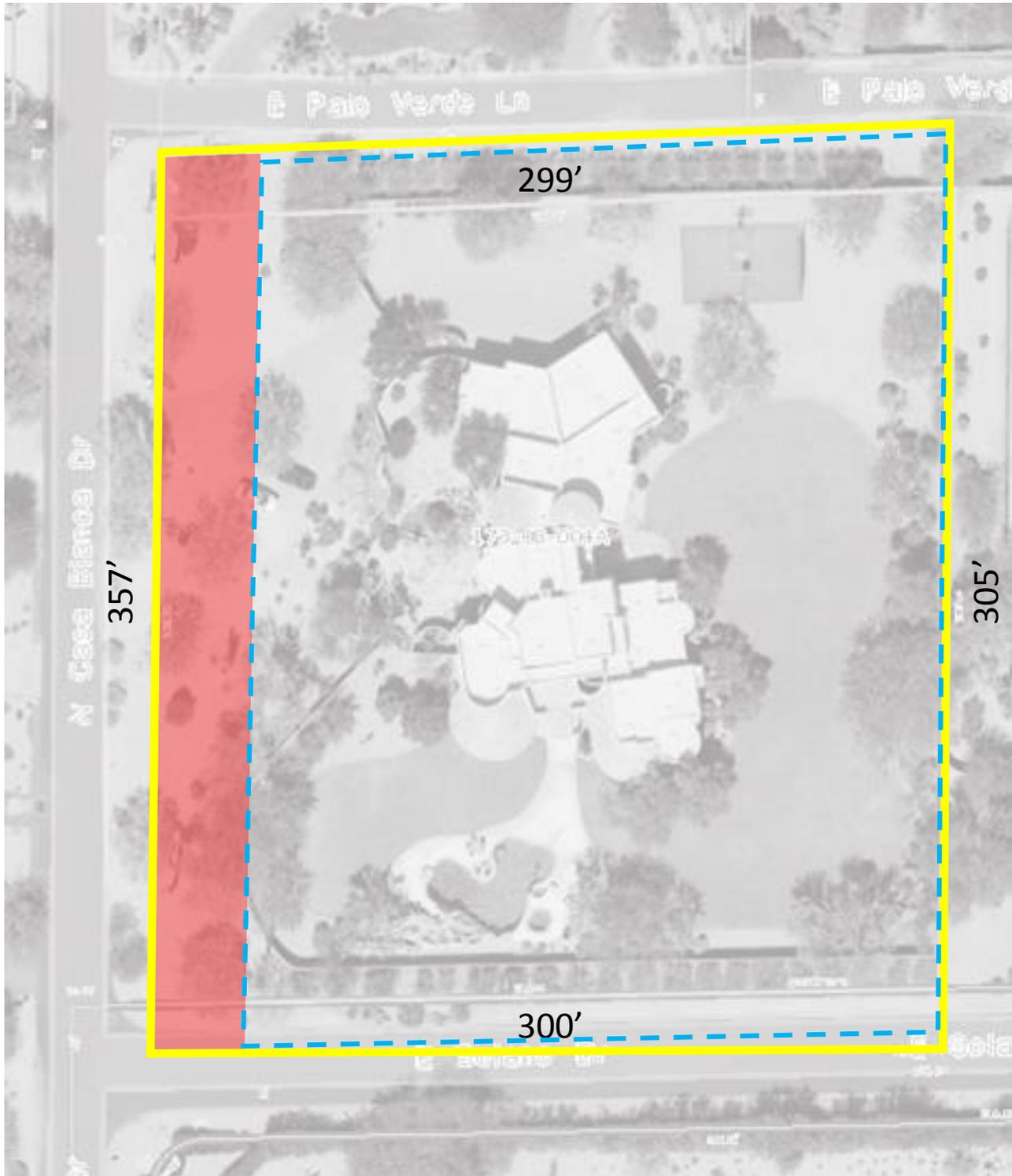
REVISIONS:	DATE:	SCALE: 1"=20'	DESIGNED BY: JF	DATE: 04/17/17
			DRAWN BY: DW	JOB: 1704039
			CHECKED BY: NP	VERSION: 1.1
				PLOT DATE: 04/17/17

**ALTA/NPS LAND
TITLE SURVEY**

**PARCEL NO. 173-08-004A
5739 N CASA BLANCA DR
PARADISE VALLEY, AZ 85253**

P. 602.889.1984 | F. 602.445.9482
8808 N CENTRAL AVE., SUITE 288
PHOENIX, AZ 85020
PHOENIX@LDGENG.COM





Zoning: R-43

Perimeter Wall Setbacks as platted

Front: 40 (12,280 SF)

Rear: 0

Side: 0

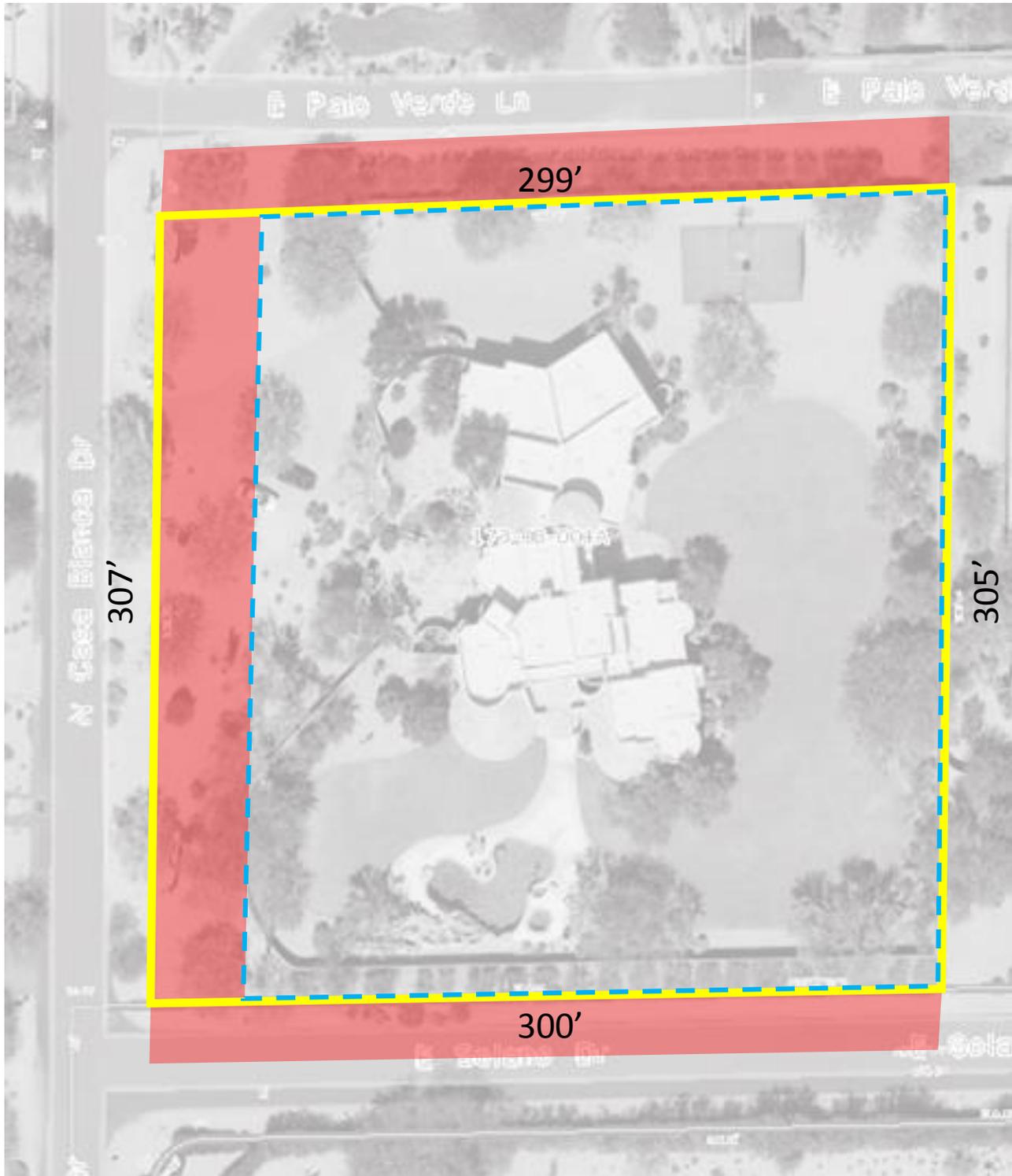
Perimeter Wall Setbacks as Peninsula Lot

Front: 40 (12,280 SF)

Rear: 0

Side: 20 (11,980 SF)

- This R-43 lot, as platted, similar to other R-43 lots in Paradise Valley gave up 40 ft. along the ROW (12,280 SF) that is essentially unusable but must be landscaped and taxes paid for by the property owner.



Zoning: R-43

Perimeter Wall Setbacks as platted

Front: 40 (12,280 SF)

Rear: 0

Side: 0

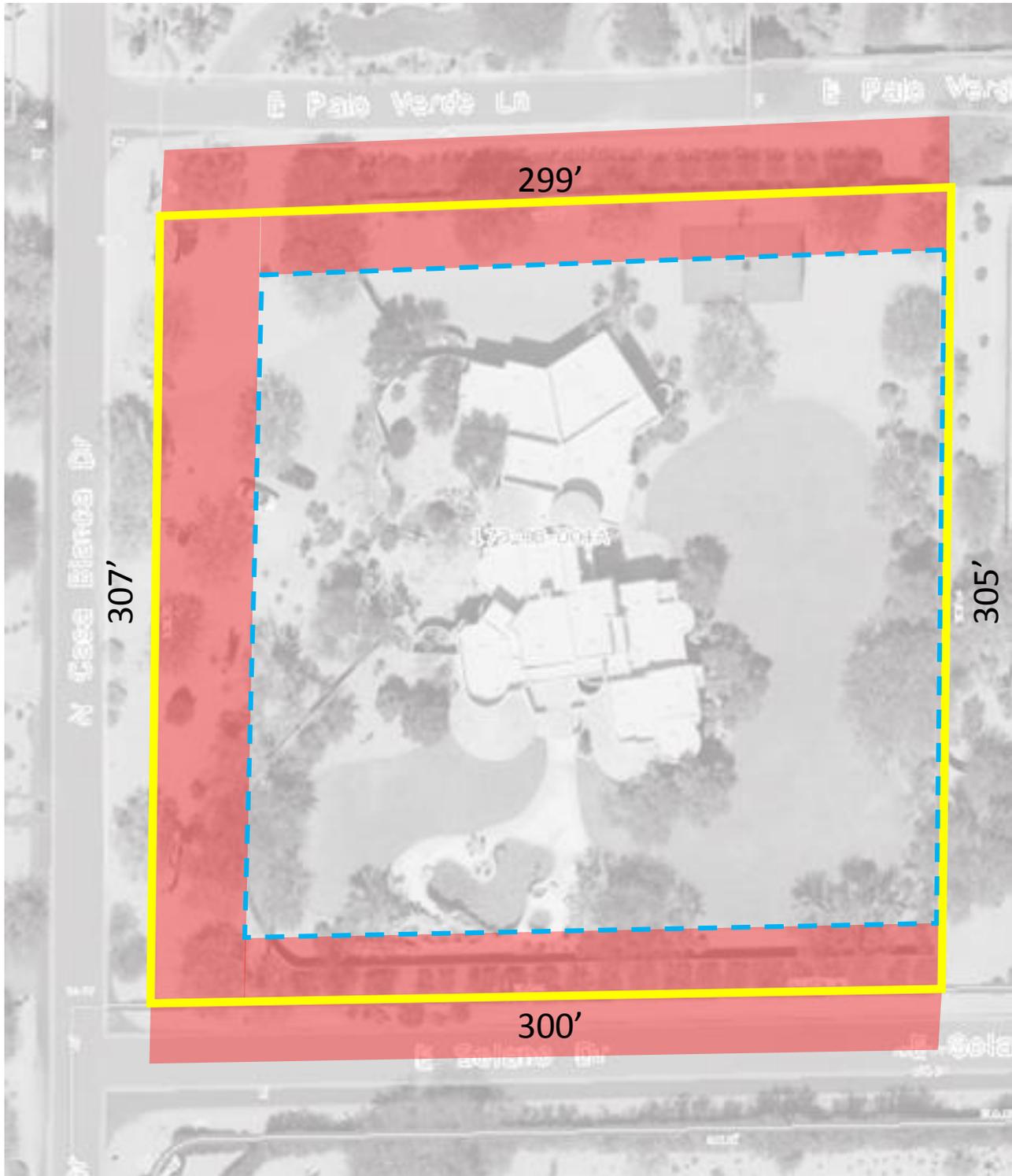
Perimeter Wall Setbacks as Peninsula Lot

Front: 40 (12,280 SF)

Rear: 0

Side: 20 (11, 980 SF)

- This R-43 lot, as platted, similar to other R-43 lots in Paradise Valley gave up 40 ft. along the ROW (12,280 SF) that is essentially unusable but must be landscaped and taxes paid for by the property owner.
- Decades later, Palo Verde Ln. and Solano Dr. were created by the Town which required dedication of 25' of the north and south sides of the property (14,975 SF). At this time, because of the recognized burden this created, the walls were specifically permitted in their new location at the new property lines.



Zoning: R-43

Perimeter Wall Setbacks as platted

Front: 40 (12,280 SF)

Rear: 0

Side: 0

Perimeter Wall Setbacks as Peninsula Lot

Front: 40 (12,280 SF)

Rear: 0

Side: 20 (11,980 SF)

- This R-43 lot, as platted, similar to other R-43 lots in Paradise Valley gave up 40 ft. along the ROW (12,280 SF) that is essentially unusable but must be landscaped and taxes paid for by the property owner.
- Decades later, Palo Verde Ln. and Solano Dr. were created by the Town which required dedication of 25' of the north and south sides of the property (14,975 SF). At this time, because of the recognized burden this created, the walls were specifically permitted in their new location at the new property lines.
- Subsequent changes to the Zoning Ordinance increased the side setback adjacent to street frontage to 20'. This would require an additional (11,980 SF) of the property become unusable along the ROW outside of the perimeter walls.
- From when it was originally created, the property has been reduced in actual area and effective area by 26,955 SF. That is 220% more area taken by the Town than a similar R-43 lot.
- Of the original approx. 107,100 SF, only 69,420 SF (65%) is usable today if this variance is not granted.