

Molinar, Tess

From: Nina Chomsky <nrchomsky@aol.com>
Sent: Wednesday, January 20, 2021 4:19 PM
To: Rocha, Luis; Molinar, Tess
Cc: Johnston, Kristen
Subject: Variance 11930; 1155 Linda Vista Ave.; BZA Hearing: 1/21/2021

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Please Deliver to the Board of Zoning Appeals -- Thank You. Date of Hearing Corrected.

Linda Vista-Annandale Association

Michael Coppess, Chair, and Members of the Board of Zoning Appeals

c/o Public Comment; and Louis Rocha, Zoning Administrator

Re: Variance 11930; 1155 Linda Vista Ave.; BZA Hearing: 1/21/2021

Board of Zoning Appeals Members:

As we indicated to the Hearing Officer, the Board of Directors of the Linda Vista-Annandale Association (LVAA), at its Special Meeting on Thursday, October 29, 2020, reviewed the above-referenced request for a Zoning Code Variance. After a discussion, the Board authorized **opposition** to the Variance request, including any Appeal of a denial, based on determining that the required Findings cannot be made, and also based on concern over setting a bad precedent for reducing required landscape coverage in Front Yards. Front Yard landscape coverage is very important to us as a character defining neighborhood issue. **Therefore, LVAA supports the Staff Recommendation for upholding the Hearing Officer's denial of the Variance.**

As Staff indicates, the Front Yard of the subject property is NOT unique in any manner, even if the balance of the site behind the Front Yard, and the ongoing development challenges on the site behind the Front Yard, might be considered unique or involve exceptional circumstances.

The Front Yard is subject to the same Front Yard paving standard as other surrounding properties in the same zoning district. The property has an existing approved Code-compliant driveway that can provide adequate driveway access without exceeding the Front Yard paving standard. Further, the applicant knew or should have known what the Code requires when she submitted the construction plans for this project which were approved. That was the time to site or design the project differently to meet Code if a circular driveway was desired, particularly if the applicant/developer had "safety" concerns. This Front Yard paving issue, including the perceived need for a Variance, is entirely self-imposed.

Therefore, as to the required Findings, we agree with Staff that there are no exceptional circumstances that would justify paving in the Front Yard that exceeds the 30 percent maximum allowed; and, the property owner is not suffering a hardship nor losing a substantial property right by not being able to provide a circular driveway on the property for access purposes. Further, we agree that approval of the requested Variance is not required for the preservation and enjoyment of a substantial property right and to prevent unreasonable property loss or unnecessary hardship, and, approval would constitute a grant of special privilege not afforded to other single-family residential property owners in the same zoning district.

We request that you uphold the Haring Officer's denial of the Variance request.

Thank you for your consideration of our comments.

Sincerely,

Nina Chomsky,
LVAA President