

1). The petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner;

A 30' setback is harmonious with the zoning of the property (R1A) and with other homes on the block, many of which are currently at a 30' setback. Requiring a 40' setback on this property is an unusual condition because a 40' front yard setback is not required for other properties in the R1A district. Appeals for a 30' setback on other properties have been granted. Strict adherence to the 40' platted building line would result in the loss of valuable back yard space.

2). The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title.

A 30' setback will maintain the character of the neighborhood with no detriment of the adjacent properties. Adjacent homes to the immediate east of this property have a 30' setback. The request for a 30' setback is not contrary to the intent of the ordinance because the property is zoned R1A, which has a front yard setback of 30'. Also, only a portion of the home, the attached garage, encroaches in the setback. The remainder of the home complies with the 40' platted setback.