

BURDEN OF PROOF
(Area Variance – Subtitle X §1002)

Applicants Kevin Alonzo and Jane Luxner respectfully request an area variance from the alley centerline setback requirement to allow construction of a 10-foot by 10-foot accessory storage shed in the rear yard of the property located at 5020 Belt Rd NW (Square 1756, Lot 0844).

The relief requested is from the requirement that an accessory structure be set back 7.5 feet from the centerline of the alley. The proposed shed will be located approximately 5 feet from the alley centerline, requiring a 2.5-foot variance.

The requested area variance meets the requirements of Subtitle X §1002, as follows:

1. Exceptional or Extraordinary Condition

The property is subject to unique physical conditions, including a sloped rear yard and the presence of a mature Japanese Maple tree. These conditions significantly limit the available buildable area for placement of a small accessory structure.

2. Practical Difficulty

Strict compliance with the required alley setback would result in practical difficulty. Relocating the shed to meet the 7.5-foot setback would likely require removal of the mature Japanese Maple tree and would substantially reduce the already limited usable open space in the rear yard.

Due to the combination of the lot's sloped topography and the location of the mature tree, there is no reasonable alternative location that would allow a code-compliant placement without disproportionate impact on the usable rear yard.

3. No Substantial Detriment to the Public Good

The requested variance is minimal in nature. The shed will be located approximately 5 feet from the alley centerline instead of 7.5 feet.

The structure will not include vehicular access and will not impact the traveled portion of the alley. The reduced setback will not affect alley circulation or the ability of service, emergency, or other vehicles to safely maneuver within the alley.

The shed will be approximately 9.5 feet in height which is well below the maximum permitted height for accessory structures in the R-1B zone.

4. No Substantial Impairment of the Zoning Regulations or Zone Plan

Granting the requested variance will not impair the intent, purpose, or integrity of the Zoning Regulations or the R-1B zone. The proposed structure is a customary residential accessory use, modest in scale, and consistent with similar structures in the surrounding neighborhood.

The shed will be constructed on an existing stone paver patio and will not result in any additional impervious surface.

Additionally, all adjacent property owners were contacted, and five adjacent neighbors have provided written statements of support or non-opposition.

A handwritten signature in black ink, reading "Kevin Alonzo Jane Luxner". The signature is written in a cursive style and is positioned above a horizontal line.

Kevin Alonzo and Jane Luxner