BETTON HILLS NEIGHBORHOOD ASSOCIATION

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May 3, 2023 (submitted via e-mail to Kate.Daniel@Talgov.com)

Re: *Variance Request – 2084 Trescott Drive (Case # TVA230010)*

To: Kate Daniel (Principal Planner) and Tallahassee-Leon County Board of Adjustment and Appeals Committee Members:

Please accept the following position statement on behalf of the Betton Hills Neighborhood Association ("BHNA") in opposition to applicant's request to reduce the required 10 foot interior side-yard set-back to a mere 3.5 feet.

At the outset, BHNA acknowledges that variance requests must be assessed on a case-by-case basis and that BHNA would not contend that the 10 foot set-back requirement should never be adjusted.

Since the code sets the standard for the subdivision, it should be compromised only in extraordinary circumstances that adversely affect the owner's use of the property. For example, BHNA has not opposed variances for side setbacks for garages and accessory dwelling units.

In this case, however, the request does not meet the extraordinary circumstances requirement. Therefore, BHNA objects to the requested variance based on the grounds detailed below.

(1). The variance would be contrary to the public interest. The applicant's request proposes an unprecedented, drastic variance in Betton Hills. According to the Growth Management Department, only two variances of the interior side-yard set-back have been approved in Betton Hills since 2018. One reduced the set-back to 7.33 feet (TVA200006). The other reduced the set-back to 6 feet (TVA180032). These two variances involved a reduction of the required 10 foot set-back by not more than 40%. The requested variance, by contrast, would reduce the setback ***by nearly 70%*** – i.e., to 3.5 feet. This would be substantially incompatible with the interior side-yard set-backs commonly found in Betton Hills and other RP-1 neighborhoods (which tend to run

wider than even the required minimum). If approved, the variance no doubt would be detrimental to the public interest, including because it would degrade the well-established character of this neighborhood. Indeed, it seems that the only interest that would be advanced by the variance is the applicant's private interest – namely, the pursuit of a higher financial return (*See* Ground No. 3 below).

(Grounds 2 and 3, discussed below, also support that the variance would be contrary to the public interest).

(2). The intent of the regulation sought to be varied would NOT be observed and substantial justice would NOT be done by granting the variance. The interior side-yard set-back regulation is vital to maintaining integrity and safety within residential neighborhoods. In particular, the intent of the regulation is to preserve reasonable distance and privacy between single family homes, sufficient space between combustible materials in neighboring buildings, and to promote public safety by ensuring adequate room to access utilities and for emergency vehicles such as fire trucks to drive between homes.

At scarcely more than a yardstick wide, the requested variance would amount to virtually no set-back at all. To grant such a drastic variance practically would gut the interior side-yard set-back regulation. This result cannot possibly serve the public safety and other core purposes of the regulation. There simply is no credible, compelling argument that granting the variance would serve substantial justice. In fact, it would undermine it, as it seems inconceivable that the original framers of the regulation imagined that reducing the required ten (10) foot set-back to such a minor fraction would ever be appropriate.

(3). The practical difficulty/hardship cited by the applicant centers on mere inconvenience and inability to obtain a higher financial return. In his "Hardship Statement Narrative," the applicant admits that the *sole* reason for the requested variance is to reshape Lot 11 to meet the minimum lot size requirements of the TLDC so that the applicant can, in turn, construct a new house on the lot. All indications point to an intent by the applicant to sell the new house. The variance request thus centers on the pursuit of a higher financial return – which the applicant admits is strictly dependent on obtaining the variance.

This sophisticated applicant easily knew or should have known, however, based on a property survey, that a quest to build a new house on lot 11 ultimately would require the BOAA to largely forsake the set-back regulation to grant an unprecedented variance within this neighborhood. The applicant likewise knew or should have known that such a bold "ask" would draw substantial public opposition.

While perhaps inconvenient, the applicant could have avoided this foreseeable predicament by scouting and acquiring a different property that would not require a drastic variance to develop it. It thus seems that the *applicant himself* largely has

created the practical difficulty, predicament, and alleged hardship that he now alleges, ironically, should justify the variance.

Based on the reasons discussed above, the Betton Hills Neighborhood Association respectfully objects to the variance and requests that it be disapproved.

Please note that members of the BHNA Board plan to attend the public hearing on May 11, 2023 to speak further on our opposition.

Sincerely,

Eliza Hawkins, BHNA President