



NARRATIVE

Variance Application

Mountainside Village Phase 4 Protected Solar Envelope and Setback Provisions

The Master Plan for Mountainside Village, approved by the City of Victor in 2005 incorporated holistic planning for the entire 122+ acre site. That plan included a variety of lot types that were more diverse and designed with more nuance than was provided for in the Victor Code. Particular attention was given to solar access for energy efficiency and to compact lots created to be able to provide larger open spaces.

A system of building envelope plan drawings, and Lot Standards that create protected Solar Envelopes in section, was developed to optimize solar access when the neighborhood was originally master planned. In 2005 there was a provision in the Victor Code that allowed the City discretion to adjust dimensional limitations in response to solar access planning. Mountainside Village used that provision to create the system of building envelopes and lot standards employed in the original phases. It was the expectation of both Mountainside Inc. and the City of Victor that that process would be carried through future phases of Mountainside Village. The original lot standards with dimensions and explicatory graphics were included in the Mountainside Village Master Development Agreement.

This variance application is submitted for Mountainside Village phase 4 to bring the setbacks more closely into accord with the setbacks of the original Phases 1 & 2 of Mountainside Village. A similar variance was granted for Mountainside Village Phase 3.

The proposed building envelope drawing plans, lot standards and section drawings are attached. The building envelope plan drawings are incorporated into the Plat drawings for Phase 4.

Criteria for approval.

1. A literal interpretation of the side setback standards of the RS-7 zone would deprive these properties the ability to be planned using the same system as other similar lot types in the existing phases 1 & 2 of Mountainside Village. All of Mountainside Village was master planned and approved taking into account the provision of 2002 Victor Development Code, Chapter VIII. E Solar Access in Subdivisions. The use of that provision and the documentation of that in the Master Development Agreement for Mountainside Village creates Mountainside Village Properties as a unique subset of RS-7 properties.
2. Granting the requests of this provision will not confer any special privileges as the sum total of side setbacks will be greater than those of the current RS-7 zoning.
3. The variance will be in harmony with the intent of the code with regard to limiting lot coverage and enhancing privacy. It will be in harmony with the energy conservation goals of the Victor Comprehensive Plan.



4. The special circumstances are not the result of actions of the applicant. It was a change to the Victor code that inadvertently made it impossible to follow the successful asymmetrical side setbacks established in the original phases of Mountainside Village. The Victor Planners, at the time of the adoption of the current code, assured us that Mountainside Village could be built under the new code as originally planned.
5. The variance requested is the minimum variance that can keep the function of the Side Yard lot type functioning as originally conceived.
6. The variance does not permit any change of use or building type. It creates more restrictive conditions than the existing code.
7. Lot sizes are not effected by the variance.