

## **DETERMINATIONS**

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are not any special circumstances existing on this property that would create a hardship but they are in a neighborhood that has quite a few property owners with what appears as having exceeded the allowable lot coverage.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

There are several properties on the same street as the subject property with a detached garage, sheds, and/or covered patios that appear to be over lot coverage but there are no variances on record for these other properties. There was a variance granted July 10, 2013 requesting lot coverage of 38% at 2215 George Street.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

The variance will not allow the applicant any special privileges. Other properties in the area appear to exceed lot coverage for attached and detached structures.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending the following conditions for the increased maximum lot coverage variance request:

1. The variance is to increase the maximum lot coverage from 30% to 39%. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 4, Valley View Acres Subdivision generally located at 2252 George Street.
3. Construction of the detached garage will be in substantial conformance with the submitted site plan and shall meet all other required City regulations, with the exception of this variance for lot coverage.
4. The applicant will receive a building permit approval within 6 months of the Board of Adjustment approval of the variance. Construction of the garage will be completed within 18 months of Board of Adjustment approval.
5. Construction activity is not to start before 7 am and will end by 8 pm daily.
6. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.

7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

- 6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

The applicant will obtain a building permit within 6 months of approval of this variance and have the construction completed within 18 months of this variance approval.

- 7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

The granting of this variance would not allow a use that is not allowed in the zoning district. Detached garages are an allowed use in all residentially zoned districts in the city.

#### **ATTACHMENTS**

- A: Surrounding Zoning & Site Location
- B: Site Photographs
- C: Aerial View
- D: Application form
- E: Application Letter
- F: Site Plan
- G: Applicant Supplied Photos