

## **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 no special circumstances that exist which are peculiar to the land. The lot is slightly over ½ acre, is flat, and soils in the area appear to be suitable for construction. The applicant has not stated a hardship with the property other than the need for additional storage for collectible and antique automobiles. The detached garage could be built to meet the minimum setbacks and at the size (1,238 square feet) allowed by the zoning regulations.

- 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;**

The literal interpretation of the provisions of this chapter will not deprive the applicant the ability to construct a detached garage in conformance with the zoning regulations. Similar variances in nearby subdivisions have been granted for garages of 1,300 to 1,500 square feet. Detached garages of 2,140 square feet do not exist within this subdivision or in nearby subdivisions with or without zoning variances. Detached structures over 18 feet in height need to meet the minimum side setback of 8 feet and staff found no other detached structures of this height in the subdivision that were setback less than 8 feet from the property line.

- 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;**

Granting this variance would confer special privilege to this applicant as all other detached accessory buildings within this subdivision appear to have been constructed according to the zoning regulations with the proper size and setbacks.

- 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 not in harmony with the general purpose and intent of the zoning regulations and the growth policy. The height and bulk of the detached garage is out of character with the surrounding residential properties and has a larger foot print than the existing home on the site.

- 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 denial, therefore, no conditions are listed within the staff report.

- 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**

Staff is recommending denial and therefore no time limits are proposed.

**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.**

If the board decides to grant this variant, the granting would not allow a use that is not already allowed in the zoning district.