

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 conditions or circumstances with the land that create a hardship. In this situation, the structure was built prior to the zoning restrictions that are now in place.

- 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 subject property is in a subdivision that began developing many years ago and over the years many changes and additions have happened that may or may not meet current code. There are other lots in the neighborhood that have similar front porches and stoops that appear to project into the front yard setback similar to the one proposed. However, like this proposal, there is still significant setback from the porches and stoops to the front property lines. Therefore, allowing the applicant a variance for the front setback of 19 feet and a maximum of an 8 foot projection for the addition of a new entryway and new front stoop does not deprive the applicant of rights commonly enjoyed by other properties in the same district.

- 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 not confer a privilege to this applicant that others in the subdivision do not have. As stated in #2 above, There are other lots in the neighborhood that have similar front porches and stoops that appear to project into the front yard setback similar to the one proposed.

- 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 variance request;

1. The variance request from 27-308 requiring a minimum front setback of 20 feet to allow a minimum setback of 19 feet; and from Section 27-310(g) requiring a maximum projection of 4 feet in a front setback to allow a maximum projection of 8 feet for the addition of a new entryway and new front stoop. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 29, Block 3 of Central Heights Subdivision, 1st Filing.
3. Any future construction or re-construction of the existing structure will require compliance with all other zoning regulations and City ordinances that apply at the time of construction or re-construction with the exception of this variance approval.

4. Approval of this variance does not include approval for a change in use from a single family dwelling to a two family dwelling. If the basement is to be modified into a separate dwelling unit, it will require an additional variance approval for the lot size in this zoning district.
5. The applicant must submit and obtain a building permit to complete the renovations within 6 months of this variance approval.
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 requested variance is to ensure the future opportunity to rebuild the proposed front entryway and stoop. The applicant must submit for a building permit to complete the renovations within 6 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 already allowed in the zoning district.