

### **County Variance 285 – Proposed Findings of the 7 criteria**

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 existing on this property that would create a hardship. The subject property is relatively flat and there are no physical obstacles that would prevent the owner from keeping the lot area at 1.76 acres with the easement for the common facilities on the east ½ acre. There is no inherent hardship with this land that is not applicable to other subdivisions in the area.

- 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 have been few lot area variances of record in this area of the county, and none as small as the proposed lot of ½ acre. None have been proposed for the purpose of separating a lot just for use of common facilities for a new subdivision. A literal interpretation of the required lot area – 1 acre minimum - does not deprive the applicant of rights commonly enjoyed by other tracts 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;**

The variance will confer on the applicant a special privilege that other properties in this area do not enjoy. No similar variances have been submitted or approved and no similar sized lots in an A-S zone have been proposed. A subdivision variance for lot area was approved for a conservation subdivision – Greensleeves Estates. This variance allowed variable lot sizes throughout the subdivision in exchange for a permanent conservation easement on a large area of the remaining land.

- 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. Minimum lot area requirements in the A-S zone provide for public safety by ensuring separation of buildings on adjoining land, preserve the enjoyment of property by adjoining owners and diminish the overcrowding of land.

- 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 of variance and compliance with the required minimum lot area.

- 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 not recommending approval of the variance, so there is no time limit for meeting variance conditions.

- 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. Accessory uses of land for common facilities is an allowed use in the A-S zoning district.