

DETERMINATIONS FOR VARIANCE # 1277;

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances, as outlined below, have been satisfied:

- 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. However, there are other properties in this area that contain separate addresses on a lot.

- 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 within this subdivision with less than the required lot area for multiple dwelling units. There have been six variances granted in this subdivision for two dwelling units on lots that are smaller than what is required by current zoning. Denying the variance would deprive the applicant of rights commonly enjoyed by other property owners in the same neighborhood.

- 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. Similar variances have been granted in the area and other properties are similarly developed without the benefit of a zoning variance.

- 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;**

Granting this variance will be in harmony with the general purposes and intent of the zoning regulations and 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 this variance request:

1. The variance is to decrease the minimum lot size from 9,600 square feet to 7,000 square feet for two existing single family homes. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 31 & 32, Block 55 of Suburban Homes Addition generally located at 744 Yellowstone Ave.
3. Any future re-construction or remodeling of the existing structures will require compliance with all Building Codes, Fire Codes, Engineering Codes, Zoning Regulations, and city ordinances that apply at the time of re-construction with the exception of the variance request.

4. 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**

Staff is recommending no time limit on this variance request. The structure already exists and the conditions of approval should safeguard the community.

- 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 properties in the district.**

The granting of this variance would not allow a use that is not allowed in the zoning district. Multiple dwellings on a single lot are an allowed use in the Residential-7,000 zoning district.