

## VARIANCE #1278 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 that exist in this situation other than the applicant wishes to add on the house for a growing family.

**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 newer subdivision with vacant parcels and homes newly constructed and under construction. There have been similar variances granted for setbacks and lot coverage within the same district. Denying the variance for setback and lot coverage would 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 for setback of 8 feet and 31% lot coverage will not allow the applicant any special privileges. Similar variances have been granted in the area.

**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:

1. The variance from 27-308 requiring a minimum rear setback of 20 feet to allow a setback of 8 feet and from the maximum lot coverage of 30% (2,133 sf) to allow a maximum lot coverage of 31% (2,204 sf) to allow an addition into the rear yard. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 12, Block 2, Celestial Subdivision generally located at 1134 Jordan Avenue.
3. The applicant will submit and obtain a building permit for the new addition within 1 year and have it completed within 2 years.
4. Construction or demolition activity will not occur prior to 7 am or after 8 pm daily.
5. The applicant shall meet all other city code requirements for the proposed addition, as well as meet the requirements of the CCRs and subdivision requirements, with the exception of this variance.
6. A variance and/or approval must be obtained from the Habitat for Humanity in order to allow a basement (restricted under covenants and restrictions) and a copy of

the approval shall be provided to the City Planning and Building Divisions when submitting the building permit application.

7. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
8. 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 submit and obtain a building permit for the new addition within 1 year and have it completed within 2 years.

- 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 – single family dwellings with attached garages are allowed in the R-70 zone.