

DETERMINATIONS
Variance #1286

The Board of Adjustment, before it grants a variance shall determine:

- 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;**

Although there appears to be circumstances peculiar to the land that may cause a hardship on lots in this area of Billings, there appears to be sufficient space to build the 10'x10' shed in the rear yard and sufficient space to move the shed to meet the 20' front yard setback. The applicant chose a prebuilt shed that could not be moved to the rear yard, however it is not on a permanent foundation and could be relocated to meet the requirements of the Zoning Code for the front yard setback.

- 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;**

A literal interpretation of this zoning code provision may or may not deprive the applicant of the rights commonly enjoyed by others in this zoning district. The applicant has brought in a prebuilt shed and placed it on the property front yard, there appears to be sufficient space to build in the rear yard a 10'x10' shed. There are no sheds placed in the front yards of other properties in the area.

- 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 granting of this variance may confer a special privilege to this applicant. There are no variances for 10'x10' sheds in the front yard setback in this 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 granting of this variance would conflict with the Growth Policy and the Zoning Regulations. The zoning regulations, including the front setback are designed to provide adequate light, air and space around one and two-family homes and to promote neighborhoods that are aesthetically pleasing.

- 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 has not made proposed conditions with the recommendation of denial.

- 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;**

The structure is already in place. The structure shall be removed or relocated to meet the 20 foot front yard setback within 90 days of the Board of Adjustment hearing if denied.

- 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.**

Detached accessory structures of up to 1,000 sq. ft. are allowed in the zoning district if they meet the setback restrictions.