

## VARIANCE #1289 DETERMINATIONS

The Board of Adjustment (BOA) 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. The home was constructed in 1975 on a 11,250 square foot 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 have been 4 other variances granted in this subdivision. These variances were for setbacks and minimum lot size. There have been no variances requested for exceeding maximum lot coverage.

**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 to allow 33% lot coverage would allow the applicant a special privilege that is denied by this Chapter for other land within the same 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 denial of the variance request. However, if the BOA decides to grant the variance, the following conditions could be recommended:

1. The variance from Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 33% in a (R-96) zone. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 9A, Block 11 of Hilltop Subdivision, 41 Sunset Drive.
3. The applicant must submit building permits for the new addition within 6-months of BOA approval and complete construction within 1 year of building permit issuance.
4. Any future re-construction of the existing structure will require compliance with all other zoning regulations and City ordinances that apply at the time of re-construction.
5. 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**

If the BOA determines to grant the variance, staff would recommend that the applicant must submit for building permit for the new addition within 6-months with completion of the addition a year after building permit 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 allowed in the zoning district – single family dwellings are allowed in the R-96 zone.