



County of Yellowstone Board of Adjustment
AGENDA-Thursday, May 10, 2018, 4:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of the County Board of Adjustment Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: March 8, 2018

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **County Variance 288 – 6500 Cold Stone – Detached Structure Size** – A variance from 27-310(i) requiring a maximum detached accessory structure footprint not exceed 1,500 square feet to allow a maximum footprint of 5,000 square feet in a Residential 15,000 (R-150) zone on Lot 3, Block 1 of Cold Stone Estates Subdivision, a 5.659 acre parcel of land. A previous variance (Var #245) to allow 5,000 square foot detached structures was previously granted for all lots in Cold Stone Estates Subdivision but expired in 2012. Tax ID: C15294 Presented by Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

The County Board of Adjustment will hear all persons wishing to speak relative to the proposed **Variance**. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 4th Floor of the Miller Building, 2825 3rd Ave North, Billings, MT 59101 or phone 247-8676. Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

County Board of Adjustment

Meeting Date: 05/10/2018

Information

Subject

Motion. Approval of Minutes: March 8, 2018

Attachments

YBOAminutes_2018_03_08__DRAFT

**Yellowstone County Board of Adjustment
Meeting Minutes, March 8, 2018
To be approved by a motion at the next scheduled meeting**



The County Board of Adjustment met on Thursday, March 8, 2018 in the 1st Floor Conference Room, of the Miller Building located at 2925 3rd Avenue North. Chairperson Hecker called the meeting to order at 4:00 p.m.

Name	Title	03/08/2018									
Blaine Poppler	Vice Chair	1									
Carlotta Hecker	Board member	1									
Troy Boucher	Chairman	1									
Vacant											
Vacant											

Chairman Hecker introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk

Others in Attendance: Ron Kaurin; Sandy Kaurin, Rich Naylor, Trevor Heinert

Public Comments: There were no public comments.

Approval of Minutes October 12, 2017

Motion

Board member Boucher made a motion and Board member Poppler seconded the motion to approve the October 12, 2017 meeting minutes as with corrections to the spelling of Board member Reiersen’s name. The motion passed with a unanimous voice vote.

Disclosure of Conflict of Interest: There were no disclosures of conflict of interest.

Disclosure of Exparte Communication

There were no disclosures of exparte communication from the Board.

PUBLIC HEARINGS:

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting for reviewing and acting on each variance.

Yellowstone County Board of Adjustment
Meeting Minutes, March 8, 2018
To be approved by a motion at the next scheduled meeting



Item #1: County Variance 387-321 Calypso Street-Detached Garage Size

REQUEST

Item #1: County Variance 287 – 321 Calypso Street – Detached Garage Size – A variance from Section 27-310(i) requiring the maximum footprint of a detached garage of 1,238 square feet to allow a maximum footprint of 1,500 square feet for a new detached garage in a Residential 15,000 (R-150) zone on Lot 1, Block 7 of Wells Garden Estates, 4th Filing a 26,420 square foot parcel of land. Presented by Nicole Cromwell, Zoning

RECOMMENDATION

Staff recommends conditional approval based on the proposed findings of the 7 criteria for Variance 287.

Staff is recommending the following conditions:

1. The variance is to increase in the allowable footprint area for 1 (one) detached garage from 1,238 sf to 1,500 sf and no other variance is intended or implied.
2. The variance is limited to Lot 1, Block 7 of Wells Garden Estates 4th Filing Subdivision generally located at 321 Calypso Street.
3. The new detached garage will be built in substantial conformance with the submitted site plans. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
4. There will be no construction prior to 7 am or after 8 pm daily.
5. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval.
6. Construction on the approved detached garage will be completed within 18 months of Board approval.
7. 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.

BACKGROUND

This is a request by the owner to re-construct a detached garage in the north east corner of the parcel. In 2015, the owner started and nearly completed construction of a detached 2-story garage that was too large (2,140 square feet) and did not meet the minimum required setbacks from neighboring properties. The Board denied the requested variance and the decision has been upheld by the Montana Supreme Court. The owner has hired a new construction company to design a detached garage that meets the required setbacks and the maximum allowable square footage if this variance request is granted. The maximum allowed area for a detached garage on this parcel is 1,238 square feet. The maximum foot print calculation does not apply in the A-S or A-1 zoning districts but does apply in all other residential zones in the County up to a maximum of 1,500 per detached structure. The owner would like to increase this allowable area by 262 square feet to allow a maximum area of 1,500 square feet. This is a 20% increase over the maximum allowed area. The variance requested in 2015 was for a much larger area - a 73%

Yellowstone County Board of Adjustment Meeting Minutes, March 8, 2018



To be approved by a motion at the next scheduled meeting

increase over the allowable area - and to encroach into the required 8 foot setbacks and in to the 10-foot utility easements along the north and east property lines.

APPLICABLE ZONING HISTORY:

The owner submitted a variance application in August 2015 - Variance 277 - to allow the construction of a much larger garage to continue and to allow the side and rear setbacks to be less than the required 8 feet. The application for the variance came after construction of the garage was started and nearly completed. The Board eventually denied the requested variance. The denial was appealed first to District Court (13th District) and then to the Supreme Court of Montana. Both courts found the Board's decision was legal and supported by the facts presented. The decision of the District Court and MT Supreme Court are attached. The detached garage associated with the previous variance has been demolished. Construction of the new detached garage will not commence until the decision on this variance has been made.

Discussion

Chairperson Hecker called for questions and discussion from the members of the Board. She asked for clarification of the 1,500 square foot size limitation. Nicole Cromwell explained the 1,500 square foot denotation is a bulk limitation which is the footprint of the building. The height restriction is 34-feet. This structure is shown as 22-23 feet high and will accommodate recreational vehicles, and built on slab with stick built construction. Board member Poppler asked if there will be plumbing fixtures in the building and this question was deferred to the builder.

Rich Naylor, MHS Construction, 423 S 25th Street, Billings, Montana

Mr. Naylor said he was contacted in December by the homeowner to rectify the previous situation with the District Court and Supreme Court rulings. No plumbing fixtures will be included in this building. The old structure has been demolished. The slab will be removed and a new monolithic slab will be poured. The footprint of the garage is 1,484 square feet and will be held to the 10-ft setbacks to meet the utility easements. It will not exceed the height of the house and will be 23-feet 8" tall to accomplish the second story loft requirements. Once the slab is demolished in the next 4-5 weeks, the new slab will be re-poured to the proper depth. Once construction begins, the 18-month construction project time frame will be met. Due to budget constraints, the plan is to finish the interior next year. In response to question by Board member Boucher, Mr. Naylor stated the 18-month time frame requirement should be met to finish the exterior of the building, including the siding, roofing and windows. There is stone work planned for the south side that may extend into early 2019 based on the cost. Board member Poppler asked regarding the garage doors. Mr. Naylor stated there will be one primary garage door with a 16-foot glider door on the west side of the building.

Yellowstone County Board of Adjustment

Meeting Minutes, March 8, 2018

To be approved by a motion at the next scheduled meeting



Public Hearing

Chairperson Hecker opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #287.

Ron Kaurin, 5051 Hazelnut, Billings, Montana

Mr. Kaurin spoke in opposition. He asked noted the current slab has a drain which dumps towards the property line to the east. He asked about the requirement for the overhang for the roof. Nicole Cromwell responded and stated 1.5 feet of overhang is allowable. He asked where the septic system drain field is located in relationship to the new slab and if it is legal to position the driveway along the property line legal? Nicole Cromwell stated County Public Works regulates driveways and they have reported no concerns with this variance application.

Rich Naylor, MHS Construction, 423 S 25th Street, Billings, Montana

Mr. Naylor Working with the engineer and planner designed the building with 2-foot eaves. He pointed out the location of the septic system on the posted plat map. The leach field is not very large in this area of the lot. There is a community well system. The slab drain will be removed along with the existing slab. He said the owner's intent with this project is to have a place to showcase his classic cars.

Sandee Kaurin, 5051 Hazelnut, Billings, Montana

Ms. Kaurin said the neighbor's view shed is deterred by the garage. Mr. Naylor said the previous building was 26'3" tall. The new structure will be shorter and moved away from the property line.

Discussion

Board member Poppler pointed out the last contractor failed to obtain a zoning compliance permit. He asked Mr. Naylor if any other permits are needed for construction. Mr. Naylor said a State permit for electrical. He said the previous contractor did not follow through as agreed for demolition. Mr. Naylor scheduled a meeting with the Yellowstone County Legal Department and City/County Planning Division to create a plan rectify the issues. He communicated with Mr. Frank and the neighbors to resolve issues. Mr. Naylor stated he followed through the prescribed commitments.

Chairperson Hecker asked if there is anyone else wishing to speak in favor or against County Variance #287. There was none. Chairperson Hecker closed the public hearing at 4:34 p.m. and called for a motion.

**Yellowstone County Board of Adjustment
Meeting Minutes, March 8, 2018
To be approved by a motion at the next scheduled meeting**



Discussion

Chairperson Hecker called for discussion. Board member Poppler said there are no further objections from the neighbors. The corrected setbacks will alleviate the previous storm water and runoff issues. The fact that Mr. Carlson and Mr. Naylor have tried to comply is admirable he will vote in favor of this variance. compliance.

Motion

Board member Hecker made a motion and it was seconded by Board member Poppler to conditionally approve County Variance #287 based on the proposed findings of the 7 criteria as presented by staff.

Name	FAVOR	AGAINST	ABSTAIN
Board member Poppler	1	-	-
Board member Hecker	1	-	-
Board member Boucher	1		

The motion carries 3-0. County Variance #287 is approved.

Other Business/Announcements

- **Reassignment/Election of 2018 YC Board of Adjustment Officers:** Board members Reiersen and Bailey have resigned. Board member Hecker will continue on this Board but has requested another member serve as chairperson. *It is the consensus of the Board that Board member Boucher will serve as Chairperson and Board member Poppler will serve as Vice Chairperson for the 2018 term.*
- **Announcement:** The April 12, 2018 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.

Adjournment: Adjourned 4:40 pm.

DRAFT-To be approved at the next schedule YC Board of Adjustment Meeting
--T Deines, Planning Clerk



County Board of Adjustment

Meeting Date: 05/10/2018

SUBJECT: Variance 288 - 6500 Cold Stone Lane - Detached Accessory Building

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Variance 288 – 6500 Cold Stone – Detached Structure Size – A variance from 27-310(i) requiring a maximum detached accessory structure footprint not exceed 1,500 square feet to allow a maximum footprint of 5,000 square feet in a Residential 15,000 (R-150) zone on Lot 3, Block 1 of Cold Stone Estates Subdivision, a 5.659 acre parcel of land. A previous variance (Var #245) to allow 5,000 square foot detached structures was previously granted for all lots in Cold Stone Estates Subdivision but expired in 2012. Tax ID: C15294 Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends conditional approval based on the proposed findings of the 7 criteria for Variance 288.

APPLICATION DATA

OWNER: Stacy and Cayanne Ott

AGENT: None

LEGAL DESCRIPTION: Cold Stone Estates, Block 1, Lot 3

ADDRESS: 6500 Cold Stone Lane

CURRENT ZONING: Residential 15,000 (R-150)

EXISTING LAND USE: Single family dwelling

PROPOSED USE: Same with 5,000 square foot barn

SIZE OF PARCEL: 4.659 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property: County Variance 245 was approved in January of 2005 for all the lots in Cold Stone Estates Subdivision to allow each lot to have a detached barn or shop of up to 5,000 square feet. A condition of approval was to "sunset" the allowed variance for any lot that had not built an over-sized barn by February 2012. Any lots afterward would need to comply with the zoning regulations or apply for a separate variance.

Surrounding Property: There have been 12 other variances within the R-150 zoning districts in Yellowstone County to allow larger detached accessory buildings. Four of those variances have been approved since 2013. A 3,584 square foot (sf) shop was allowed on land at 2944 Alexander Road, a 2,100 sf shop at 1336 Cimmaron Pass, 2 shops of 3,200 sf each on Brandywine Lane, and finally a 1,500 sf garage at 321 Calypso Street.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-150
Land Use: Single Family Dwelling with 5,000 sf barn

SOUTH: Zoning: R-150
Land Use: Single Family Dwelling with 4,000 sf barn

EAST: Zoning: R-150
Land Use: High Ditch and Agricultural land

WEST: Zoning: R-150
Land Use: Single Family Dwelling with 4,000 sf barn

BACKGROUND

This is a variance request from Section 27-310(i) to increase the maximum allowed size of a detached accessory structure from 1,500 square feet to a maximum of 5,000 square feet in a Residential 15,000 zone for property generally located at 6500 Cold Stone Lane. In 2005, the County Board of Adjustment approved this variance for all the lots in the proposed Cold Stone Subdivision. One condition of approval was to "sunset" the variance in February 2012 for any of the lots without an oversized barn as of that date. The subject property is one of these lots.

The primary purpose of the original variance application was to allow lot owners the opportunity to have over-sized accessory buildings for the keeping of livestock animals such as horses and for storing personal and recreational vehicles. The subdivision has covenants and restrictions for each of the lots that provide restrictions on the types of animals that may be kept in the barn, an architectural control committee that will oversee the design of the barns and restrictions to prevent use of the structures for businesses. The zoning code dictates that lots of this size may only have a detached accessory structure of 1,500 square feet or less and only if a principal structure (single family home) exists or will exist on the property. There are several surrounding properties that have over-sized detached accessory structures including property at 6405 Colton Blvd (2,160 sf), 2205 & 2403 66th Street West (2,000 sf each), 2505 66th St West (2,400 sf), 6500 Colton Blvd (2,050 sf), 6303 Grand Avenue (2,276 sf & 1,050 sf), 1812 66 Street West (1,665 sf) and 1724 66th Street West (1,280 sf & 1,200 sf). These surrounding properties did not receive zoning variances and are located in the same zoning district.

The Planning Division has reviewed this variance and is recommending conditional approval as described in the proposed findings of the 7 criteria (attached). Staff believes the applicant has not demonstrated a hardship that is peculiar to this lot or that special circumstances or conditions exist on this lot. The covenants and restrictions for the subdivision require all outdoor or recreational equipment be stored within a structure. This is a condition not enforceable by the County but does apply to all the lots in the subdivision. The owner states the number and sizes of the recreational equipment makes the maximum area allowed -3,000 sf in 2 structures of 1,500 sf each - too small to comply with the covenant. However, granting of this variance would not be granting the applicant a special privilege that is not enjoyed by other homes in this subdivision or surrounding subdivisions. Several properties have existing agricultural buildings that are larger in square footage than 1,500 square feet and most are zoned R-150. Previous variances (since 1999) have been granted for over-sized barns or garages on property zoned R-150. The Board of Adjustment has allowed larger detached structures where the applicant demonstrated an agricultural or similar storage need.

RECOMMENDATION

Staff recommends conditional approval based on the proposed findings of the 7 criteria for Variance 288.

Attachments

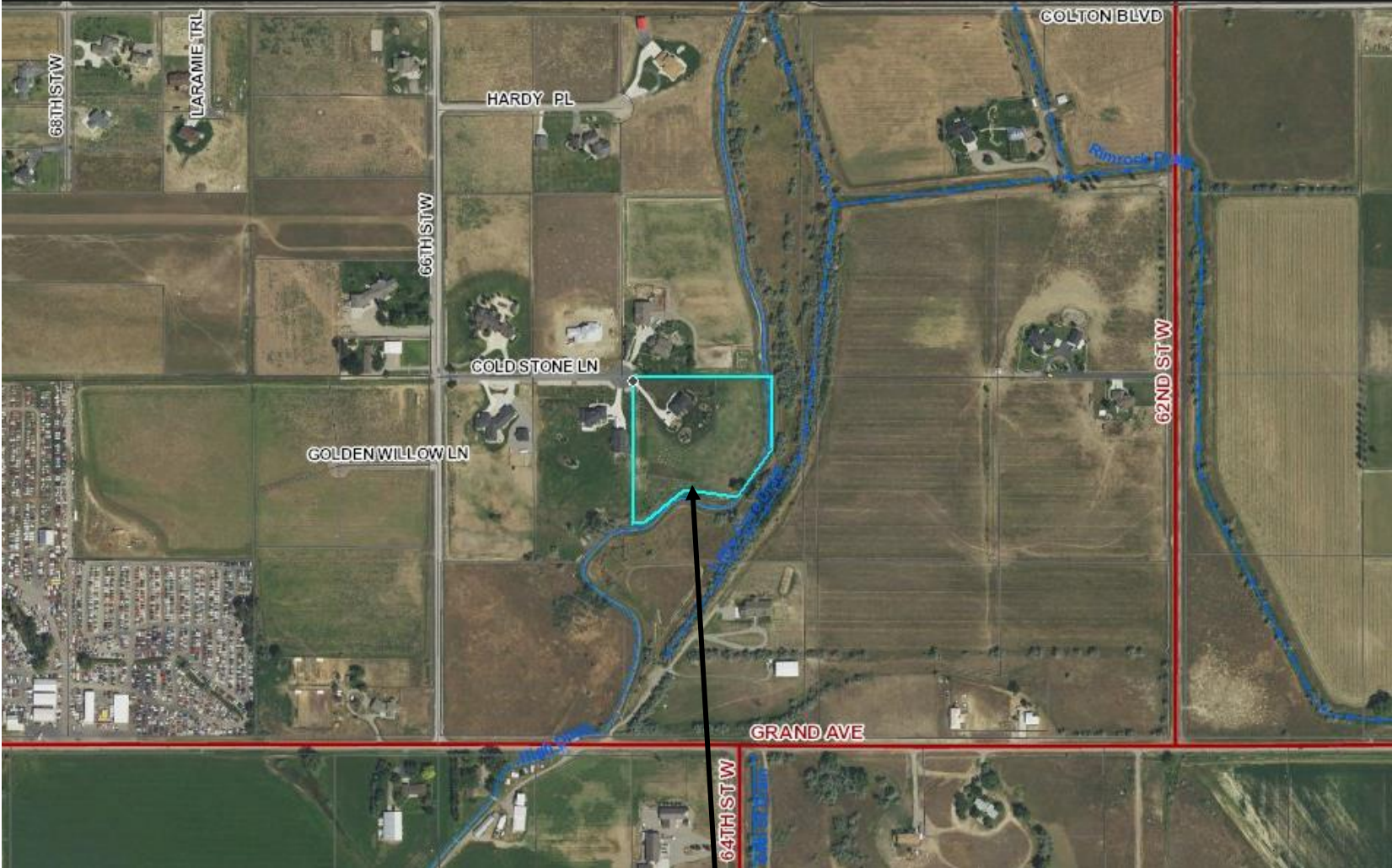
Zoning Map and Site photos
Applicant Letter Site Plan and Photos
Proposed Findings of the 7 Review Criteria

Variance 288 – 6500 Cold Stone Lane – Detached Garage Area
Zoning Map



Subject Property

6500 Cold Stone Lane aerial



Subject Property



Subject Property – view from 66th St West



Cold Stone Estates – entrance (locked gate)



View south along 66th St West



View east from gate to property north of 6500 Cold Stone Lane



View from gated entrance



West across 66th St West – 1724 66th St West

Variance 288 – 6500 Cold Stone Lane – Detached Garage
Applicant Letter, Site Plan

Dear Chairperson,

The reason I am requesting this variance is to comply with the covenants and restrictions of the subdivision in which I live. The covenants state that I must house my trailers, campers, recreational vehicles and equipment within a structure and the allotted 3000 sq. ft does not accommodate my needs. In order to comply with the covenants I need a space of 50' x 80' with an attached 12' x 80' lean-to on the East side, for a total of 4960 sq. ft. This is 1960 sq. ft more than my allowed 3000 sq. ft and 40 sq. ft under the allowed maximum of 5000 sq. ft in our subdivision. Included in this application is a copy of the covenants and restrictions and I have also copied the text below that can be found on page 6, paragraph 24 and page 4, paragraph 7 in the included covenants. To summarize it states that all boats, motorbikes, horse trailers, etc., must be stored in a structure and thereby concealed from view and that the subdivision allows for a maximum of 5000 sq. ft structure. As a side note, the water table is high in this area and basements are not an option so the added storage space is needed and appreciated. Please also note that my neighbor to the North of me has a 50' x 80' barn/shop and my neighbor to the West has a 40' x 80' barn/shop that my proposed structure will be next to and almost in line with.

Declaration of Covenants, Conditions, and Restrictions Page 6. Paragraph 24.

“Boats, Motorbikes, horse trailers, touring vehicles, recreational vehicles, commercial-use vehicles or other similar vehicles, abandoned, junk, or wrecked vehicles, fuel tanks, and haystacks are prohibited from being stored in or on any Lot(s) unless they are stored in an enclosure or structure and thereby concealed from view from the streets and from the Lot(s) adjacent to the Lot(s) on which they are located. “

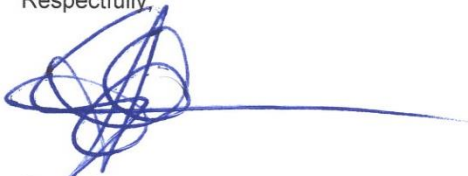
Declaration of Covenants, Conditions, and Restrictions Page 4. Paragraph 7.

“All barns, including the building materials and colors, shall first be approved by the Architectural Control Committee prior to construction. Minimum requirements for any barn include the following:

- A. The barn shall be no larger then 5,000 square feet.
- B. The barn design shall include vents, windows, doors, and cupola attached to the roof.
- C. Large plain boxy barns are prohibited
- D. The barn shall not exceed 35 feet in height, including the cupola
- E. The location of the barn shall be clearly and clearly behind the residence. “

Thank you for your time and consideration.

Respectfully,



Stacy Ott

1 A. What prevents me from using this property in conformance with the Zoning Regulation requirements is the covenants and restrictions of the subdivision in which I live. The covenants state that I must house my trailers, campers, recreational vehicles and equipment within a structure and the allotted 3000 sq. ft does not accommodate my needs. In order to comply with the covenants I need a space of 50' x 80' with an attached 12' x 80' lean-to on the East side, for a total of 4960 sq. ft. This is 1960 sq. ft more than my allowed 3000 sq. ft and 40 sq. ft under the allowed maximum of 5000 sq. ft in our subdivision. Included in this application is a copy of the covenants and restrictions and I have also copied the text below that can be found on page 6, paragraph 24 and page 4, paragraph 7 in the included covenants. To summarize it states that all boats, motorbikes, horse trailers, etc., must be stored in a structure and thereby concealed from view and that the subdivision allows for a maximum of 5000 sq. ft structure.

Declaration of Covenants, Conditions, and Restrictions Page 4. Paragraph 7

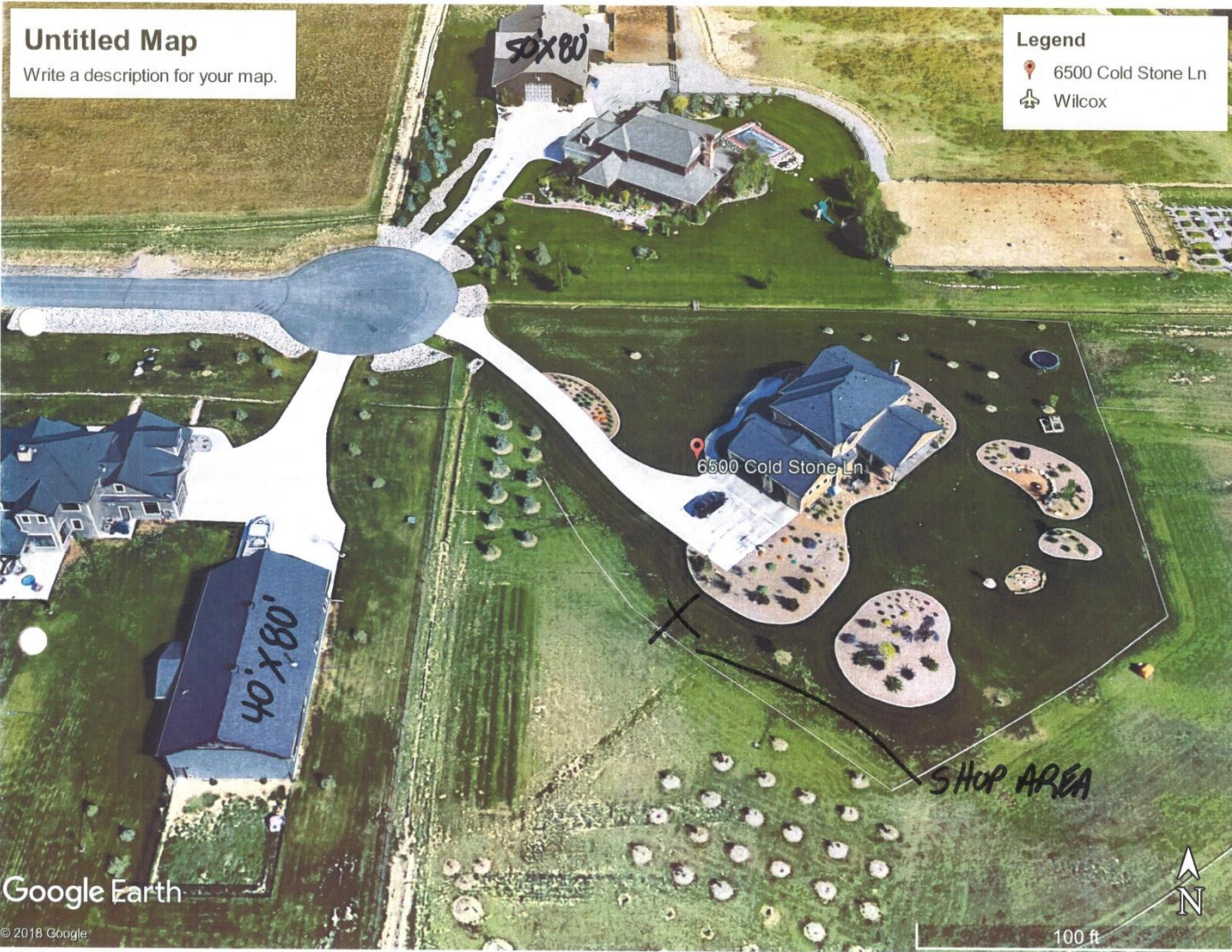
"All barns, including the building materials and colors, shall first be approved by the Architectural Control Committee prior to construction. Minimum requirements for any barn include the following:

- A. The barn shall be no larger than 5,000 square feet.
- B. The barn design shall include vents, windows, doors, and cupola attached to the roof.
- C. Large plain boxy barns are prohibited
- D. The barn shall not exceed 35 feet in height, including the cupola
- E. The location of the barn shall be clearly and clearly behind the residence. "

Declaration of Covenants, Conditions, and Restrictions Page 6. Paragraph 24.

"Boats, Motorbikes, horse trailers, touring vehicles, recreational vehicles, commercial-use vehicles or other similar vehicles, abandoned, junk, or wrecked vehicles, fuel tanks, and haystacks are prohibited from being stored in or on any Lot(s) unless they are stored in an enclosure or structure and thereby concealed from view from the streets and from the Lot(s) adjacent to the Lot(s) on which they are located. "

1 B. The need and intended use of the building at this location is described above and I will be present at the meeting to address any further questions.



Untitled Map
Write a description for your map.

Legend

-  6500 Cold Stone Ln
-  Wilcox

Google Earth
© 2018 Google

100 ft



6500 Cold Stone Ln

SHOP AREA

40'x80'

50'x80'



Untitled Map
Write a description for your map.

Legend
📍 6500 Cold Stone Ln
🏠 Wilcox

6500 Cold Stone Ln

CUT OUT
OF NEIGHBORS
YOXBO SHOP
AS EXAMPLE

Google Earth

© 2018 Google

300 ft

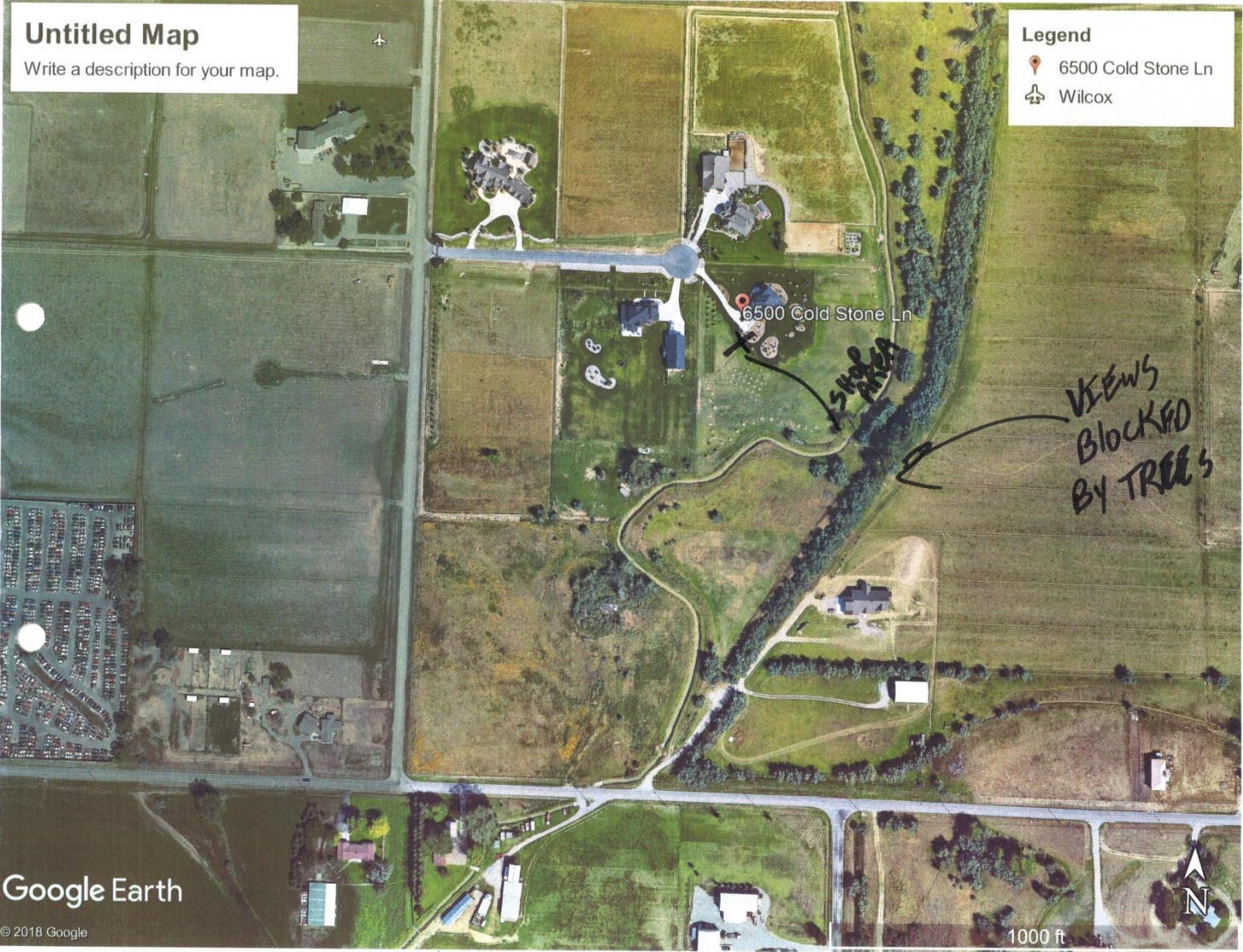


Untitled Map

Write a description for your map.

Legend

- 6500 Cold Stone Ln
- Wilcox



Google Earth

© 2018 Google

1000 ft

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 no special circumstances that exist which are peculiar to the land. The lot is slightly over 4.6 acres, is flat, and soils in the area appear to be suitable for construction. The applicant has not stated a hardship with the property other than the covenant and restriction requiring enclosed storage for all outdoor or recreational equipment. The code allows two 1,500 square foot detached accessory buildings on the lot. The detached garages could be built to meet the size allowed by the zoning regulations.

- 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 literal interpretation of the provisions of this chapter will deprive the applicant rights commonly enjoyed by similar tracts in the area. A 2005 variance to allow 5,000 sf detached barns or garages was approved for all lots in this subdivision. This variance “sunsetted” in February 2012, and 3 lots had already taken advantage of this variance before this date. Similar variances in nearby subdivisions have been granted for garages larger than allowed by zoning including 4 variances in the R-150 zoning district since 2013.

- 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;**

Granting this variance would not confer a special privilege to this applicant as similar sized detached barns and garages existing within this subdivision and in similar neighborhoods.

- 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. The size of the detached garage is not out of character with the surrounding residential properties and will be constructed at the required setbacks. The requested variance to increase the size to 5,000 sf in 1 building is not out of character from 3 other properties in Cold Stone Estates. Conditions are recommended to mitigate any possible negative impacts.

- 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 is to increase in the allowable footprint area for 1 (one) detached garage from 1,500 sf to 5,000 sf and no other variance is intended or implied.
2. The variance is limited to Lot 3, Block 1 of Cold Stone Estates Subdivision at 6500 Cold Stone Lane.

3. The new detached garage will be built in substantial conformance with the submitted site plans. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
4. There will be no construction prior to 7 am or after 8 pm daily.
5. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval.
6. Construction on the approved detached garage will be completed within 3 years of Board approval.
7. 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 the applicant obtain an approved Zoning Compliance Permit within 6 months and the structure be completed within 3 years of Board 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.

Granting this variance will not approve a use that is not otherwise allowed in the R-150 zoning district. Detached garages and accessory buildings are allowed in the county residential zoning districts.