

Variance 289  
**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, except for the shape of the lot. The detached garage could be built to meet the lot coverage allowed by the zoning regulations, however the placement of the existing home and the irregular shape of the lot limit the placement for setbacks of the garage.

- 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. There are other properties that have garages located at less than the required setbacks. There is an existing carport on the property that is less than the required front setback. Construction of the requested garage will bring the property over the maximum allowed 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;**

Granting the variance for setbacks would not confer a special privilege to this applicant as similar garages exist within the area and in similar neighborhoods. There have been similar variances granted in the area for setbacks. However, there is only 1 variance granted for 33% lot coverage under special circumstances (detailed in staff report).

- 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 the variance for lot coverage would conflict with the Growth Policy and the Zoning Regulations. The zoning regulations, including the lot coverage limits, are designed to provide adequate light, air and space around one and two-family homes and to promote neighborhoods that are aesthetically pleasing. The granting of this variance for setbacks will not conflict with the Growth Policy in terms of the predominant use of land in this area of the County and with 4 other variances being granted for setbacks.

- 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 allow an 11-foot front setback; and to allow a 3-foot side setback for a proposed garage addition to the existing single family residence. No other variance is intended or implied.
2. The size of the new garage must be reduced to meet the maximum allowed lot coverage of 30%.

3. The variance is limited to Lot 1, Block 7, Lockwood Subdivision at 3536 Comus Ave.
4. The new garage will be built in substantial conformance with the submitted site plans with the exception of its size. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
5. There will be no construction prior to 7 am or after 8 pm daily.
6. The carport must be removed prior to approval of the Zoning Compliance Permit.
7. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval, and construction on the approved garage will be completed within 1 year of Board approval.
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**

Staff is recommending the applicant obtain an approved Zoning Compliance Permit within 6 months and the structure be completed within 1 year 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 RMH zoning district. Garages and accessory buildings are allowed in the county residential zoning districts.