

Variance 290
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 applicant has not stated a hardship with the property. 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. The existing single family dwelling is questionable as a primary structure.

- 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;**

Allowing the variance would give the applicant rights not commonly enjoyed by other tracts in the same district. Similar variances in nearby subdivisions have been granted for garages larger than allowed by zoning, however they were granted for half the square footage being requested. The variance would allow the applicant special privileges. Other lots in this subdivision have developed as defined by the zoning code. Granting the variance requested will confer on the applicant a special privilege that is denied by this Chapter to other land 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;**

Granting this variance would confer a special privilege to this applicant as similar sized detached barns and garages are not apparent in 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 not 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 has no conditions for a 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; and**

There would be no time limit with a recommendation of denial.

- 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.

