

Lot width as defined in the ULDC is “*the distance between the side lot lines, measured at the building line, parallel to the street right-of-way line.*” In this case, the building line has been established where the existing house is located. As explained in the applicant’s letter of intent, the subject property has some historical facts that clarifies its creation. (See attached letter of intent). The requested Variance is needed to separate Lots #5 and #6 through a recorded survey plat – these lots were combined and recorded as 1 lot in 1995. The requested separation of lots will allow each lot to be described individually by a metes and bounds legal description; additionally, the separation will allow staff to review and record a survey plat that will allow the lots to be independent of each other.

The subject property is located in a Suburban Area (SA) Character Area on the Future Development Map of the Comprehensive Plan. The Suburban Area Character depiction indicates areas where typical suburban residential subdivision development have occurred OR where pressures for such type of development are greatest due to the availability of public water and/or sewer services.

Staff found this request to be reasonable as the existing homes are already developed to meet the minimum building setbacks and are utilizing an approved individual private sanitary sewer system. As such, the TRC recommends approval to the requested Variance, citing criteria “d” of the standards.

The ULDC provides that variances may be granted upon a finding by the ZBA that one the following conditions have been met:

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*
- b. *Such conditions are peculiar to the particular piece of property involved;*
- c. *The application of this ULDC to this particular piece of property would create an unnecessary hardship;*
- d. *Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;*
- e. *A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;*
- f. *Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;*
- g. *The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
- h. *The special circumstances are not the result of the actions of the applicant;*
- i. *The variance requested is the minimum variance that will make possible the legal use of the land or structure;*
- j. *The variance is not a request to permit a use of land or structures which are not permitted by right in the zoning district involved;*
- k. *The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;*
- l. *The design, construction, and character of the nonconformance is not suitable for uses permitted in a district in which the nonconformance is situated; and*
- m. *The nonconforming use is similar to the prior nonconforming use.*