

the subject property to R-A (Residential Agriculture, 2.5 acres). Regarding the minimum lot width requirement, staff is of the opinion that the lots as depicted on the survey is of sufficient size to accommodate for an individual private septic system and well. The proposed lots are mostly already developed with single family dwelling units. One of staff's concern with the Variance option is the precedent that will be set and the property's ability to meet the provisions for the family ties land divisions. Other considerations included the proposed subdivision will not be out of scale or character with the existing development pattern. Ultimately, the differences in the debate resulted in a TRC recommendation of approval. (Vote 6-1), citing criteria "d" of the standards.

Division with Recommendation	Planning	Zoning	Engineering	Utilities
	Denial	Approval	Approval	Approval
	Board of Health	Fire/Rescue	Inspections	Moody AFB
	Approval	Approval	Approval	n/a
Recommended Conditions with (Source)	N/A			
Other Comments with (Source)	N/A			

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.*

For Reference:

- **Table 4.01.01(G). Standards for Lot Area, Width, and Impervious surface.¹**

Zoning District	Minimum Lot Area (sq. ft.)		Minimum Lot width (feet)		Maximum Impervious surface Ratio (Percent)
	With Individual Well Water	With Central Water System	With Individual Well Water	With Central Water System	
E-A	217,800	217,800	210	200	15
R-A	108,900	108,900	150	100	20