

158.295 (B)

Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

(1)

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

House was built in the 10' right side setback. Variance is required to square off the screen enclosure with the corner of the house.

(2)

That the special conditions and circumstances do not result from any action of the applicant.

Conditions were not caused by homeowner. House was built in the setback.

(3)

That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.

It will not.

(4)

That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

True, based on the house in the setback it would substantially reduce the deck space in an already tight area for the pool deck/screen enclosure.

(5)

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Yes, we are just trying to match the enclosure with the house, nothing more.

(6)

That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Yes, it will.

(7)

That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Yes, absolutely.