

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

AGENDA

6:00 PM, MONDAY, MARCH 25, 2019

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1- Call to Order
- ITEM 2- Approval of Minutes from 01/28/2019
- ITEM 3- Public Comment (Non-Agenda)
- ITEM 5- Staff Update and Discussion
- a) Projects ongoing
 - b) Member Training
- ITEM 6- Variance request for Application #VA19-000001 – Request for a variance **of five (5') feet from the side property** line setback requirement for two parcels (Tax Parcel #150-00-01-439 and 150-00-01-440) on Dodgins Lane in the Seneca area to construct single family homes on each lot.
- ITEM 7- **Variance request for Application VA19-000002 of 25 feet from the front setback requirement of 25' for Tax Parcel #240-00-04-117 on Owens Road in the Seneca area to place a manufactured home.**
- ITEM 8- Old Business [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 9- New Business [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 10- Adjourn

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

MINUTES BOARD OF ZONING APPEALS 6:00 PM, THURSDAY, JANUARY 28, 2018 COUNTY COUNCIL CHAMBERS OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on November 8, 2018 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mrs. Fowler
Mr. Gilster
Mr. McKee
Mr. Honea
Mr. Morgan

Staff Present: Bill Huggins, Planner

Media present: None

ITEM 1- Call to Order

Bill Huggins called the meeting to order at 6:00 p.m. Mr. Huggins stated that officers for the new year need to be named in order to seat a new Chairman.

Mr. Huggins received nominations. Mr. Gilster indicated he would be willing to serve in that capacity again, and a motion was made nominating him. There were no other nominations. Board voted 5-0 to name Mr. Gilster Chairman for 2019. A motion was made by Mr. Codner to nominate Mr. McGhee as Vice-Chairman. There were no other nominations, and the Board voted 5-0 with Mr. McGhee abstaining to name him Vice-Chairman. After a motion by Ms. Fowler, and a second by Mr. Morgan, the Board voted 5-0 to name Mr. Huggins as Secretary.

ITEM 2 Approval of Minutes from November 8, 2018 meeting

Mr. Gilster noted two changes need to the draft minutes, and Mr. Huggins stated that these modifications would be made. Mr. Codner made a motion to

approve the minutes from November 8 as modified. Board voted 5-0 to approve the minutes.

ITEM 3- Public Comment (Non-Agenda)
No one from the public signed up to address the Board or make comments.

ITEM 4- Staff Update

None

ITEM 5- Special Exception Request for Application SE18-000007 – Request for the construction of a new 78’ x 100’ building as addition to an existing warehouse at Yoder’s Building Supply at 500 E Fairplay Boulevard, Fairplay, SC - Tax Parcel ID# 341-00-01-003

Staff Presentation

Statement of Matter Before the Board

Mr. Huggins explained that in the previous request for Yoders he had stated that industrial uses in the Village Center overly in Fairplay required BZA approval and that the use in question had been judged to be industrial in nature. In fact, the industrial reference had already been removed from the Ordinance by amendment, but any non-residential use still required Board review. Mr. Huggins also noted that the Appendix A standards still do apply, should The Board choose to apply any or all of them. In addition, the standard criteria for consideration of a Special Exception must also be considered by the Board in making a decision.

The current request is for a new building/expansion on the Yoder site for storage of materials.

Applicant Comments

Mr. Harley Yoder addressed the Board on behalf of the request. He stated that the request is an addition to an existing building and will be used to store cabinets and windows. He also clarified the location of the proposed building on the site for the benefit of Board members.

Mr. Yoder stated that Appendix A was never intended to be used in relation to the Fairplay Village Center overlay.

Statement of Criteria for a Special Exception

Section 38-7.2

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location be:

(1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;

(2) In the best interests of the county, the convenience of the community and the public welfare;

(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

(4) Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

Board Action

The Board determined to vote on the request with one motion encompassing all of the criteria required for consideration. Mr. Coder made a motion to consider all of the criteria with a single motion. The motion was seconded and passed unanimously.

Mr. Huggins read the criteria into the record. A motion was made by Mr. and seconded to approval the request based upon its conformance to the stated criteria. The motion was approved unanimously (5-0).

ITEM 6. Approval of Board Calendar for 2019

A motion was made and seconded to approval the Board calendar established for 2019. The motion was approved unanimously (5-0).

ITEM 7- Old Business

None

ITEM 8- New Business

Mr. Gilster stated that he does not feel that Board should make the determination about whether or not any of the requirements of Appendix A should apply to projects within the various overlays.

Mr. Chapman stated that the issue does need to be addressed, based on the interests of the Fair Play stakeholders and he suggested sending the issue to Council for consideration.

A motion was made and seconded to send the item to Council for consideration and possible referral to Planning Commission. The motion was approved by a unanimous vote (5-0).

ITEM 9- Adjourn

A motion was made and seconded to adjourn. The motion was approved unanimously. The Board adjourned at approximately 6:28 p.m.

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



Tel: (864)638-4218 FAX (864) 638-4168

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

APPLICANT: William C. Hammond OWNER
Name Title/Organization

PROPERTY OWNER: (If different from applicant)

MAILING ADDRESS: 419 BELMONT AVENUE
GREENVILLE, SC 29601

PHONE: cell: 864-569-5437 email: BHAMMOND360@GMAIL.COM

land line: 864-234-7631

PROPERTY INFORMATION

STREET ADDRESS: 225 DODGINS LANE, SEPECK, SC 29672 (LOT 4)
227 DODGINS LANE, SEPECK, SC 29672 (LOT 5)

TAX PARCEL # 150-00-01-439 LOT 4 1566/324
150-00-01-440 DEED BOOK PAGE: BRITS/1 1566/324

ZONING DESIGNATION: ? ACREAGE: 0.66
0.64

REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: ?

DESCRIPTION OF REQUEST:

SO THAT SIMILAR SIZE HOUSES AS CONSTRUCTED ON LOTS 2 & 3 CAN BE CONSTRUCTED, A WAIVER IS REQUESTED ON THE 5'-0" SETBACK ON EITHER SIDE OF THE PROPOSED HOUSES. SINCE A PRESENT WAS SET WITH THE EXISTING HOUSES ON LOTS 2 AND 3, I AM REQUESTING A SIMILAR VARIANCE. IT APPEARS THAT THE HOUSES ON LOTS 2 AND 3 HAVE A 0'-0" SETBACK. I AM REQUESTING A SIMILAR VARIANCE IN ORDER TO CONSTRUCT SIMILAR HOUSES ON LOTS 4 & 5.

Instructions:

1. The applicant/owner must respond to the "findings" questions on page 3 of this application (you must answer "why" you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
2. You must attach a scaled drawing of the property that reflects, at a minimum, the following:
 - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is is not restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

William C. Farnsworth Applicant Signature
2/22/19 Date
William C. Farnsworth Property Owner Signature

2/22/19

Date

APPLICANT RESPONSES TO
SECTION 38-7.1
(You may attach a separate sheet)

1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.

THE LOTS ARE SIMILAR IN SIZE AND SHAPE AS THE OTHERS IN THE LAUREL POINT DEVELOPMENT

2. Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.

No

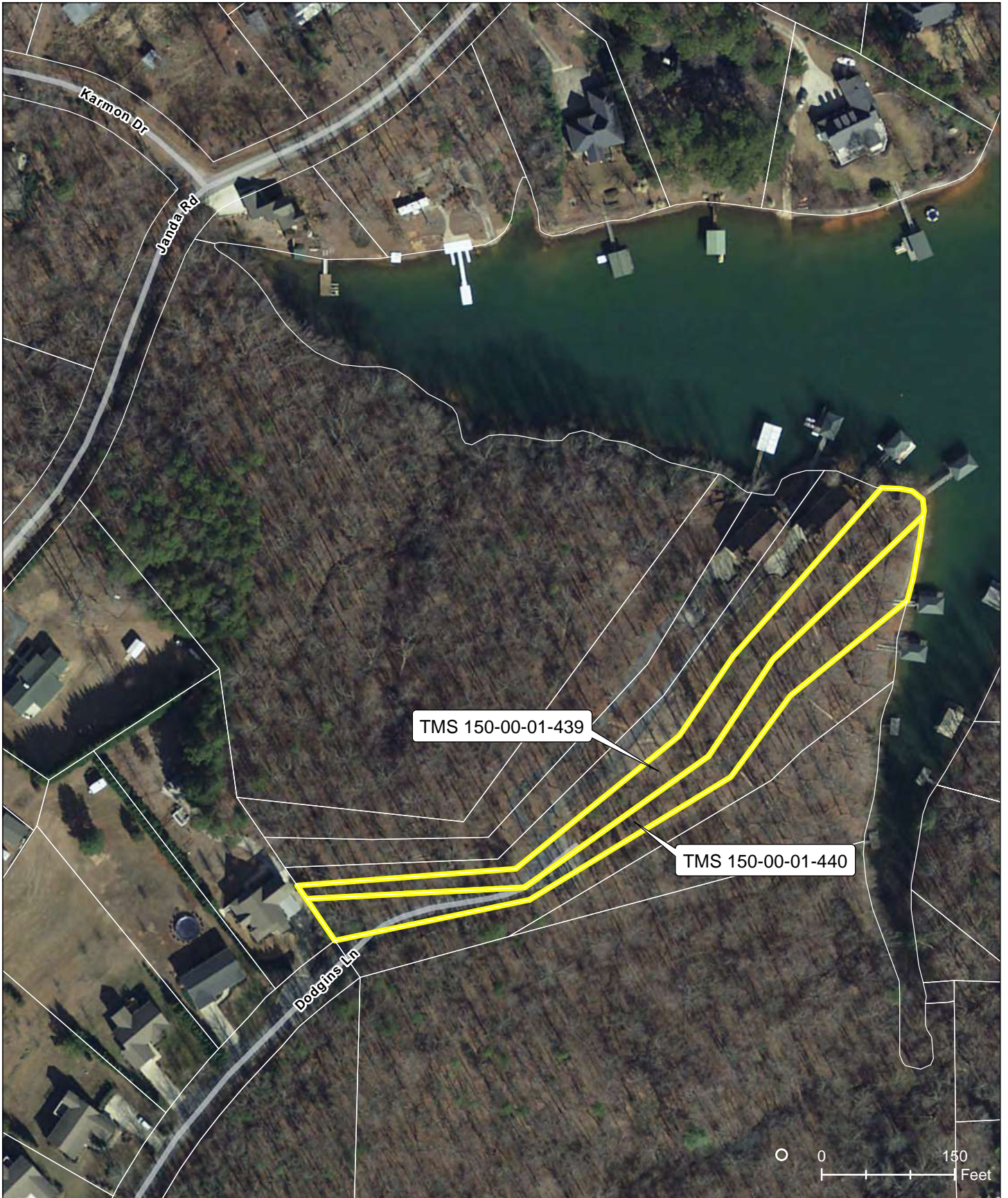
3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

WITH THE APPROVAL OF THE VARIANCE, CONSTRUCTION OF HOUSES SIMILAR TO THOSE ON LOTS 2 AND 3 WILL BE CONSISTENT IN THE DEVELOPMENT. THE SAME SIZE HOUSES ARE PROPOSED FOR LOTS 4 & 5.

4. Will the proposed variance result in an activity that will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance. Explain.

NONE OF THE ABOVE ISSUES WILL RESULT WITH THE APPROVAL OF THE VARIANCE.

Case VA19-000001
Variance Request



OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Staff Report

To: Members, Board of Zoning Appeals

From: Bill Huggins, AICP
Planner and Zoning
Administrator

Re: Item 6 - Application VA19-000001 - Variance Request from Section 38-10.2 concerning front setback requirement in a Control Free District (CFD) for property identified as Lots 4 and 5 on Dodgins Lane, Seneca, SC (TMS#150-00-01-439) and (TMS#150-00-01-440)

Property Owner: William Hammond

Applicant: William Hammond

Zoning: Control Free District (CFD)

Parcel Id# 150-00-01-439 and 440

Lot Area: .66 and .64 acres

Zoning: CFD, Control Free District

County Code: Section 38-10.2 Control Free District
Section 38.7.1

Request: The subject property is located in a Control Free District and is also within the Lake Overlay District along Lake Keowee. The CFD requires a five foot side yard setback for residential development. The applicant is requesting a variance of five feet for two existing lots in Laurel Pointe subdivision, a small development featuring long and very narrow lots with access on to Dodgins Road near Seneca. The development was apparently platted before the County's Zoning Ordinance was adopted. The applicant indicates that because the lots are so narrow, it will not be possible to meet the required setback for the relatively large homes

proposed on the lots. Two homes were built on similar adjoining lots prior to adoption of zoning. According to the builder in that case, the footprints came within 5 feet of the side lines, with overhangs that were permitted up to the property line.

Variance Standards

The standards the Board of Zoning Appeals must consider in order to grant a variance are listed below under Section 38-7.1 of the Zoning Ordinance:

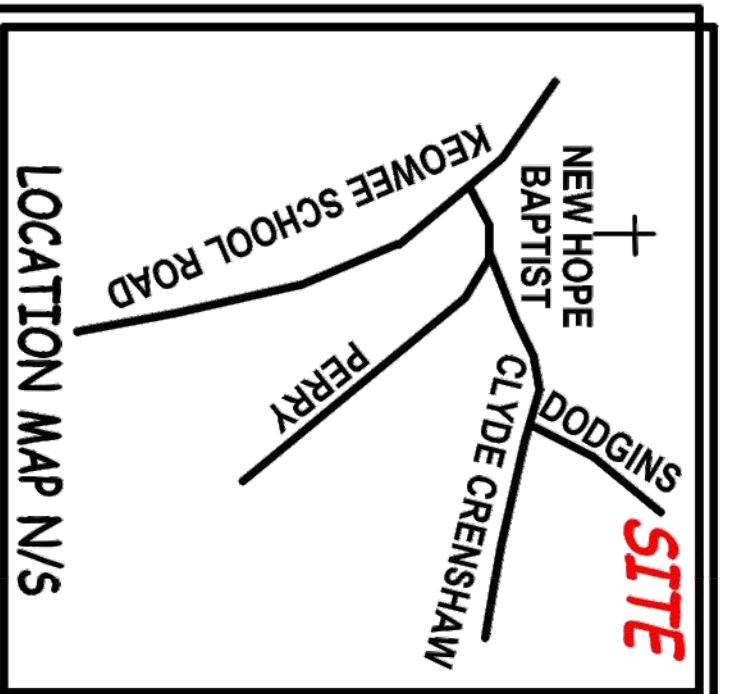
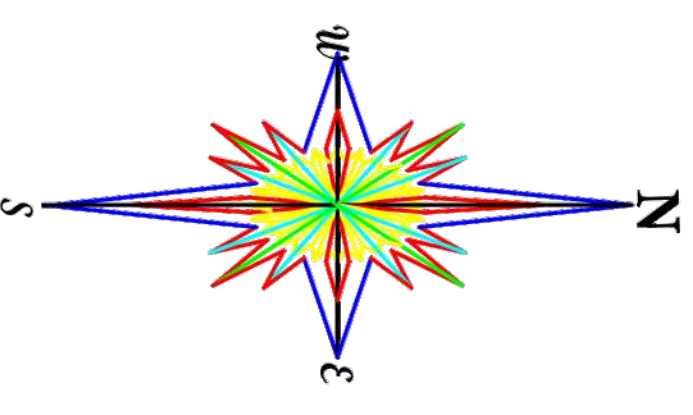
- Sec. 38-7.1. - Variances.

The Board of Zoning Appeals may grant a variance in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

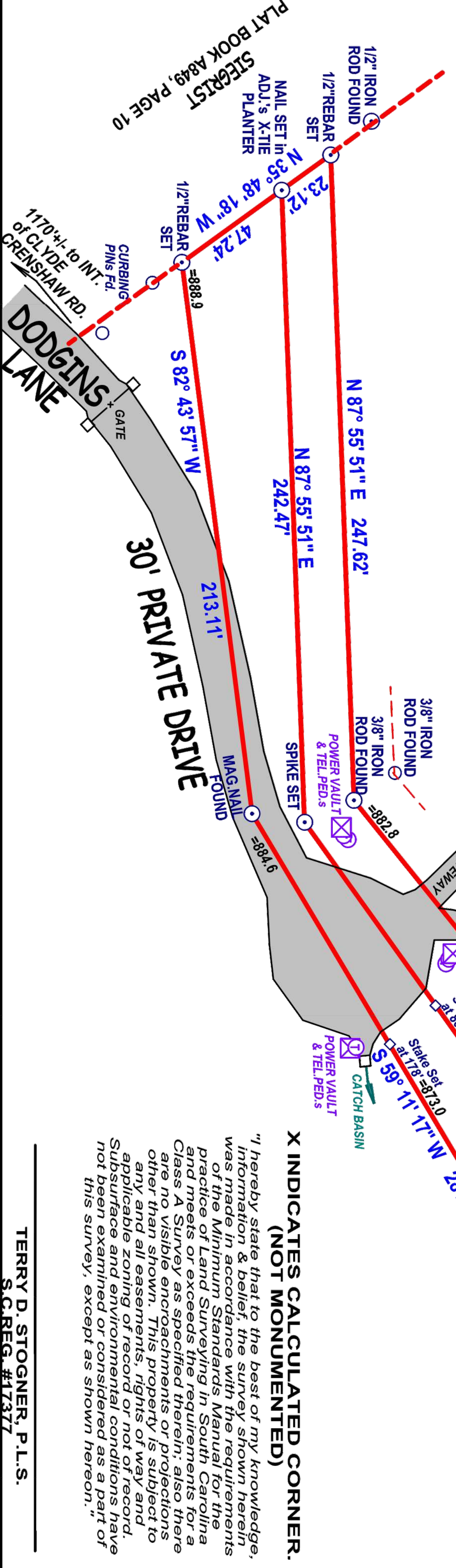
- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity;
- 3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- 4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
- 5)
 - a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.
 - c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the
 - d. proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

The applicant shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

REF PLAT NORTH



REFERENCE: LOTS 4 & 5 SHOWN ON PLAT OF "LAUREL POINTE LLC" SUBDIVISION RECORDED IN PLAT BOOK B175, PAGE 1 THE OFFICE OF OCONEE COUNTY R.O.D.



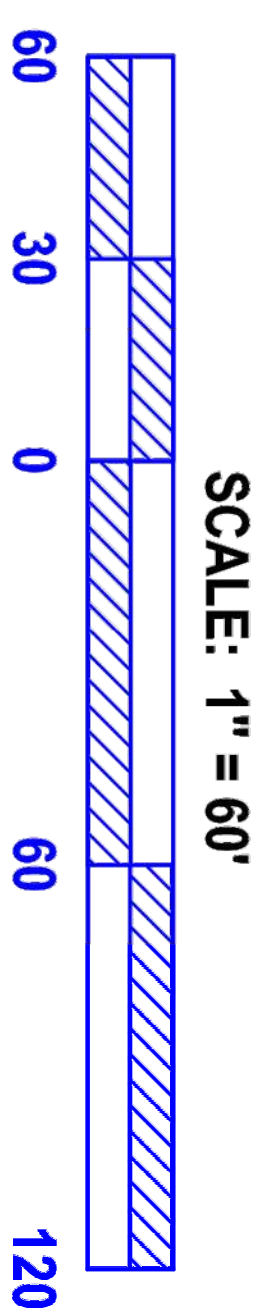
X INDICATES CALCULATED CORNER. (NOT MONUMENTED)

"I hereby state that to the best of my knowledge, I have made this survey in accordance with the requirements of the Minimum Standards Manual for the practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class A Survey as specified therein; also there are no visible encroachments or projections other than shown. This property is subject to any and all easements, rights of way and applicable zoning of record or not of record. Subsurface and environmental conditions have not been examined or considered as a part of this survey, except as shown hereon."

TERRY D. STOGNER, P.L.S.
S.C. REG. #17377

WILLIAM C. & SHAWN S. HAMMOND

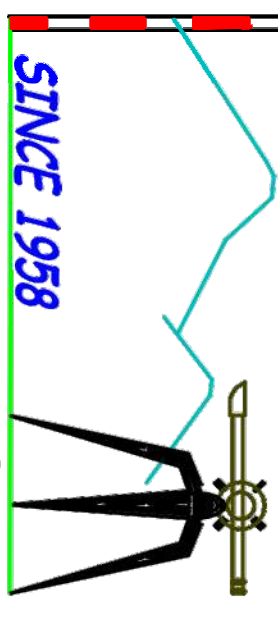
BOUNDARY SURVEY FOR OCONEE COUNTY SOUTH CAROLINA AUGUST 04, 2016



TAX MAP No. 150-00-01-439 & 440

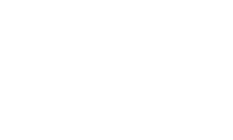
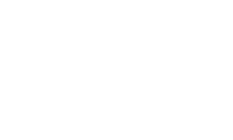
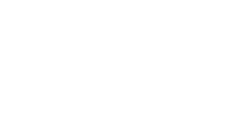
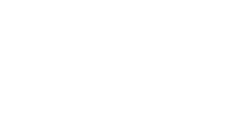
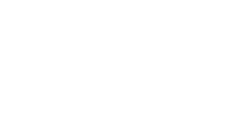
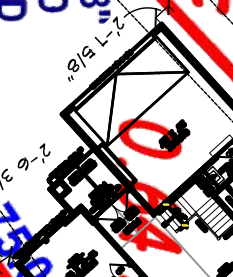
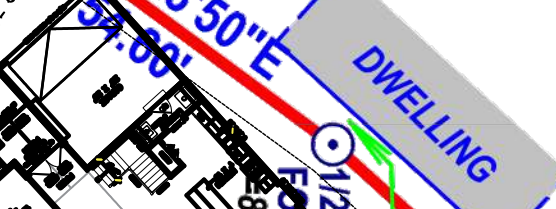
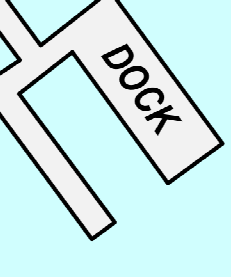
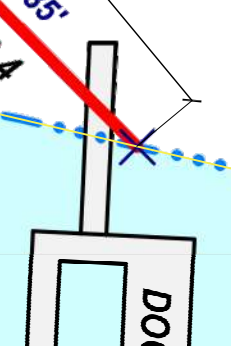


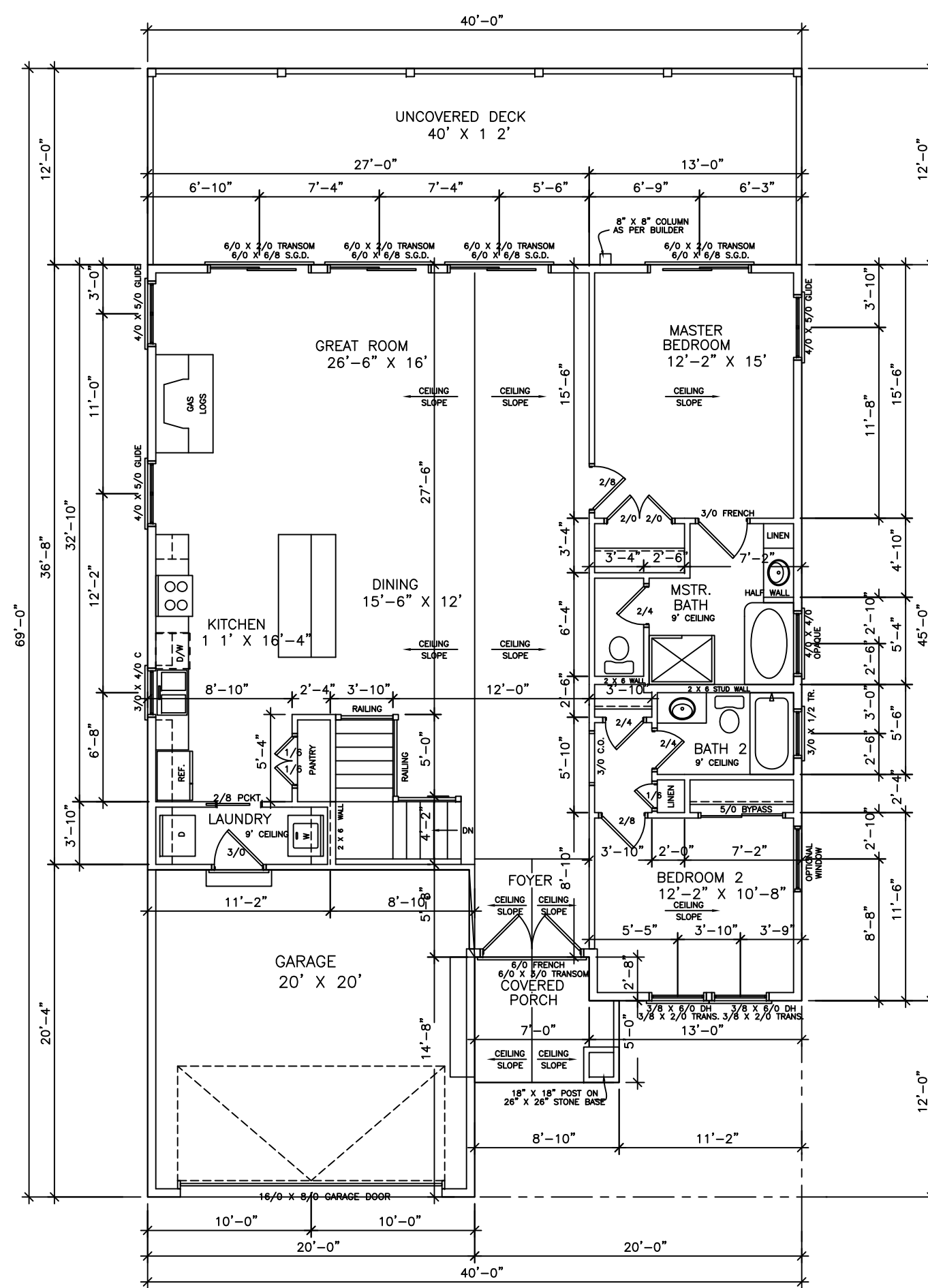
CAROLINA SURVEYING & MAPPING



304-B N.E. MAIN STREET
SIMPSONVILLE, S.C. 29681
terry@carollinasurvey.com
(864) 963-8747
DRAWING No. 50612

LAKE KEOWEE
800' CONTOUR IS THE
PROPERTY LINE



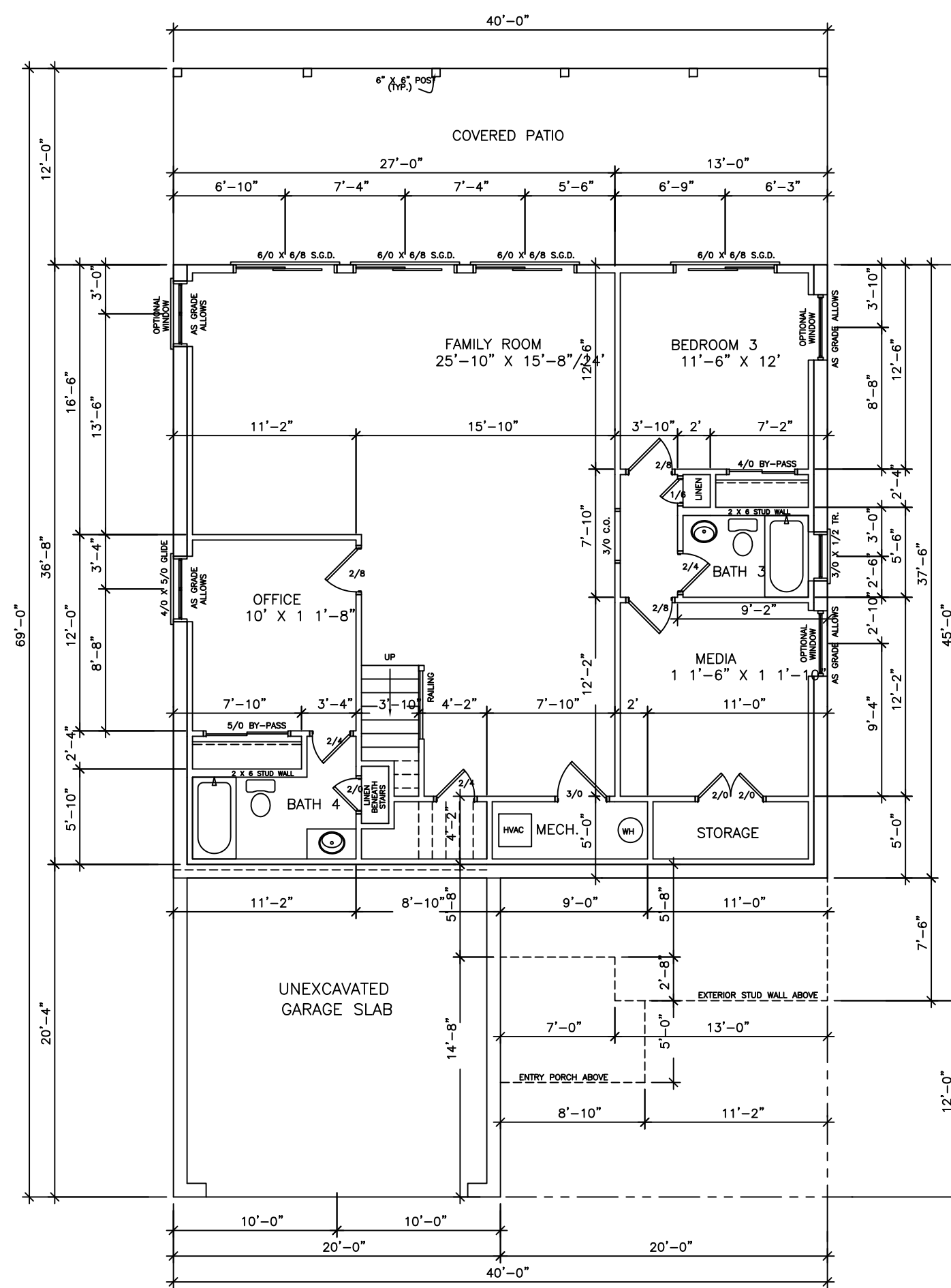


MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE

HEATED :	1 6 2 3 SF
GARAGE :	4 0 0 SF
COV. PORCH :	6 3 3 SF
DECK :	4 8 0 SF

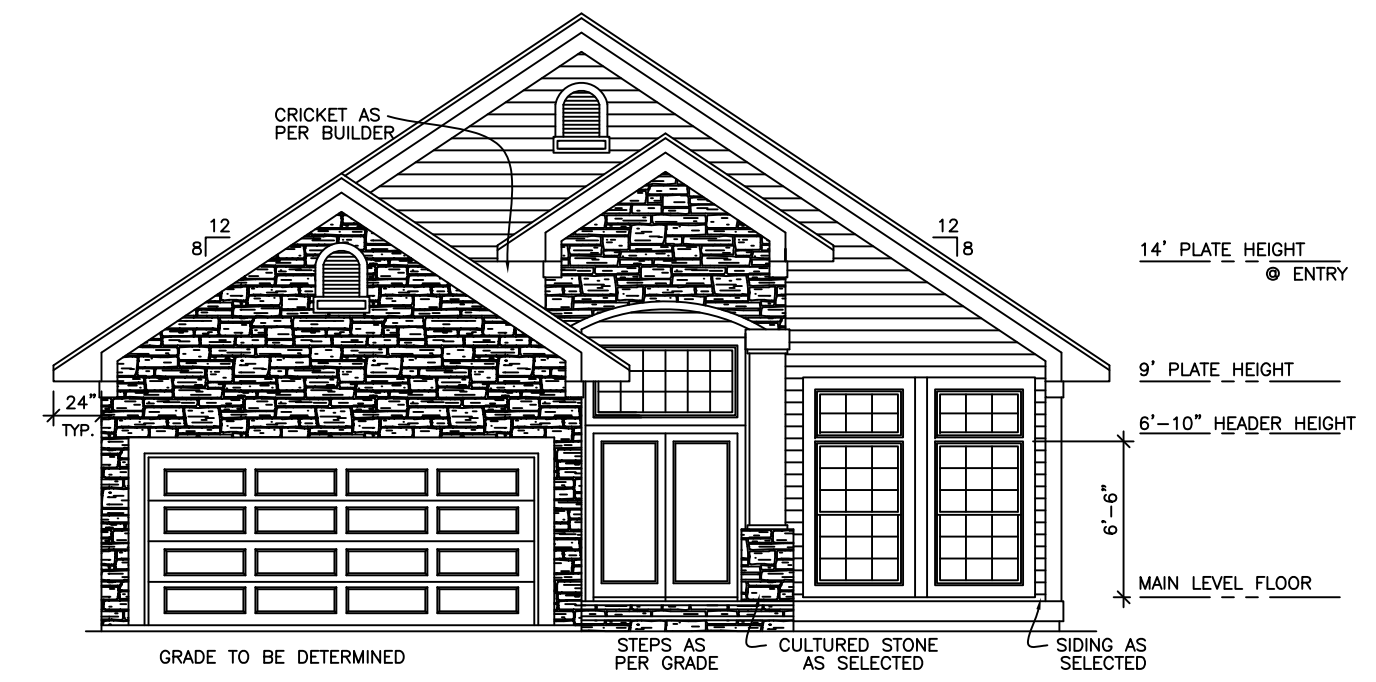
NOTE : EXTERIOR STUD WALLS
ARE 2 X 6.



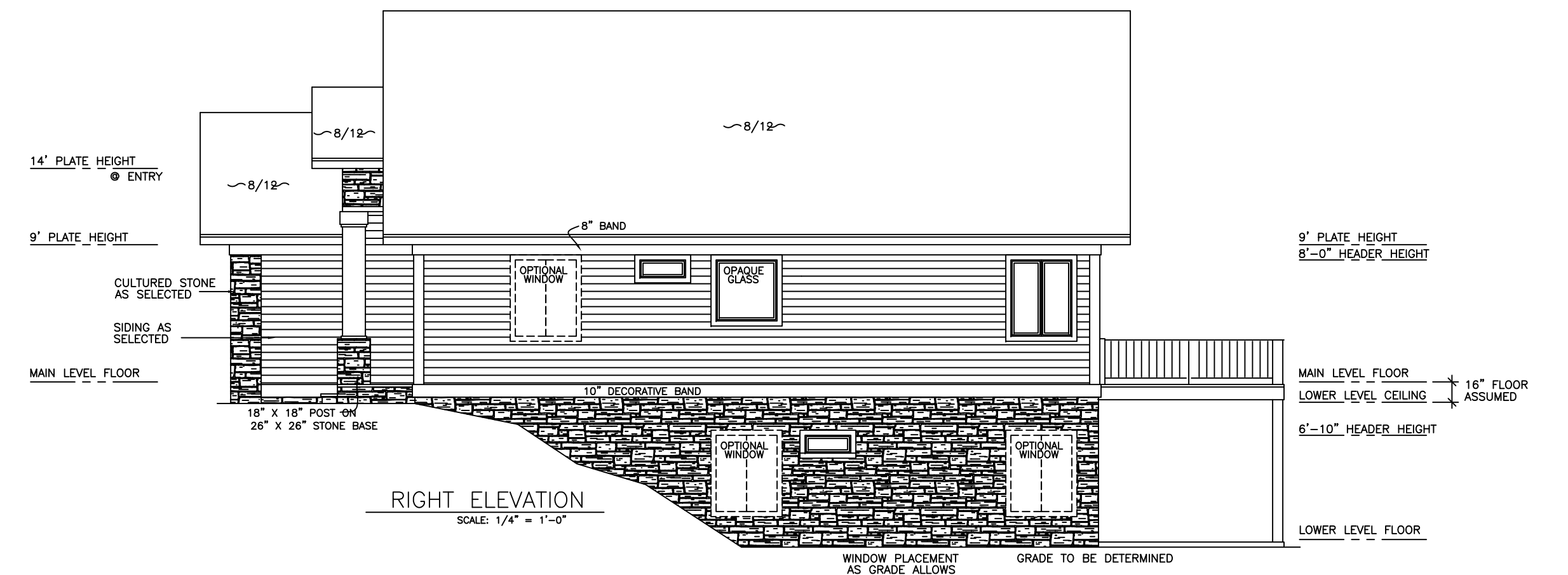
LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE

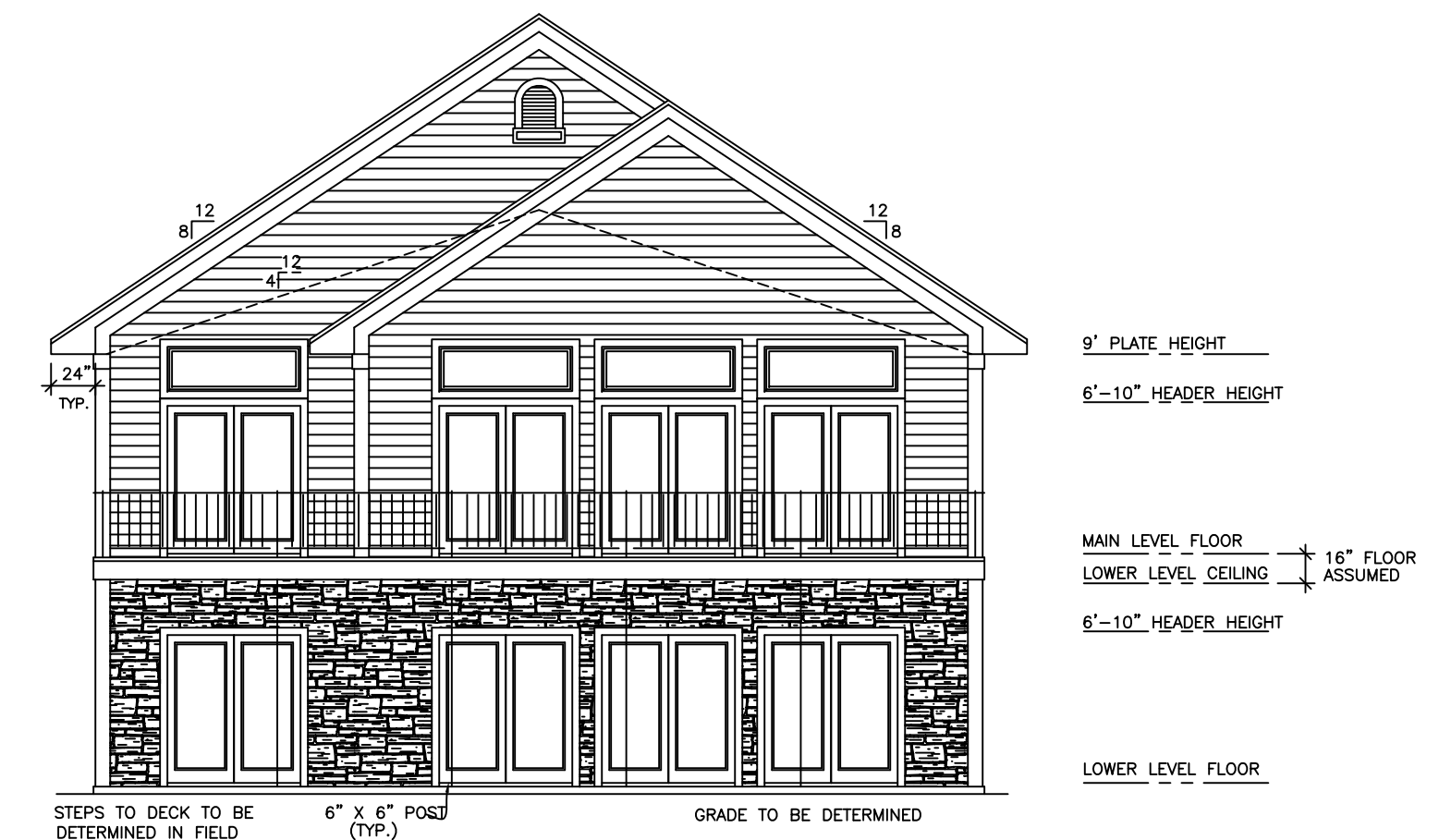
HEATED :	1 5 0 0 SF
PATIO :	4 8 0 SF



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



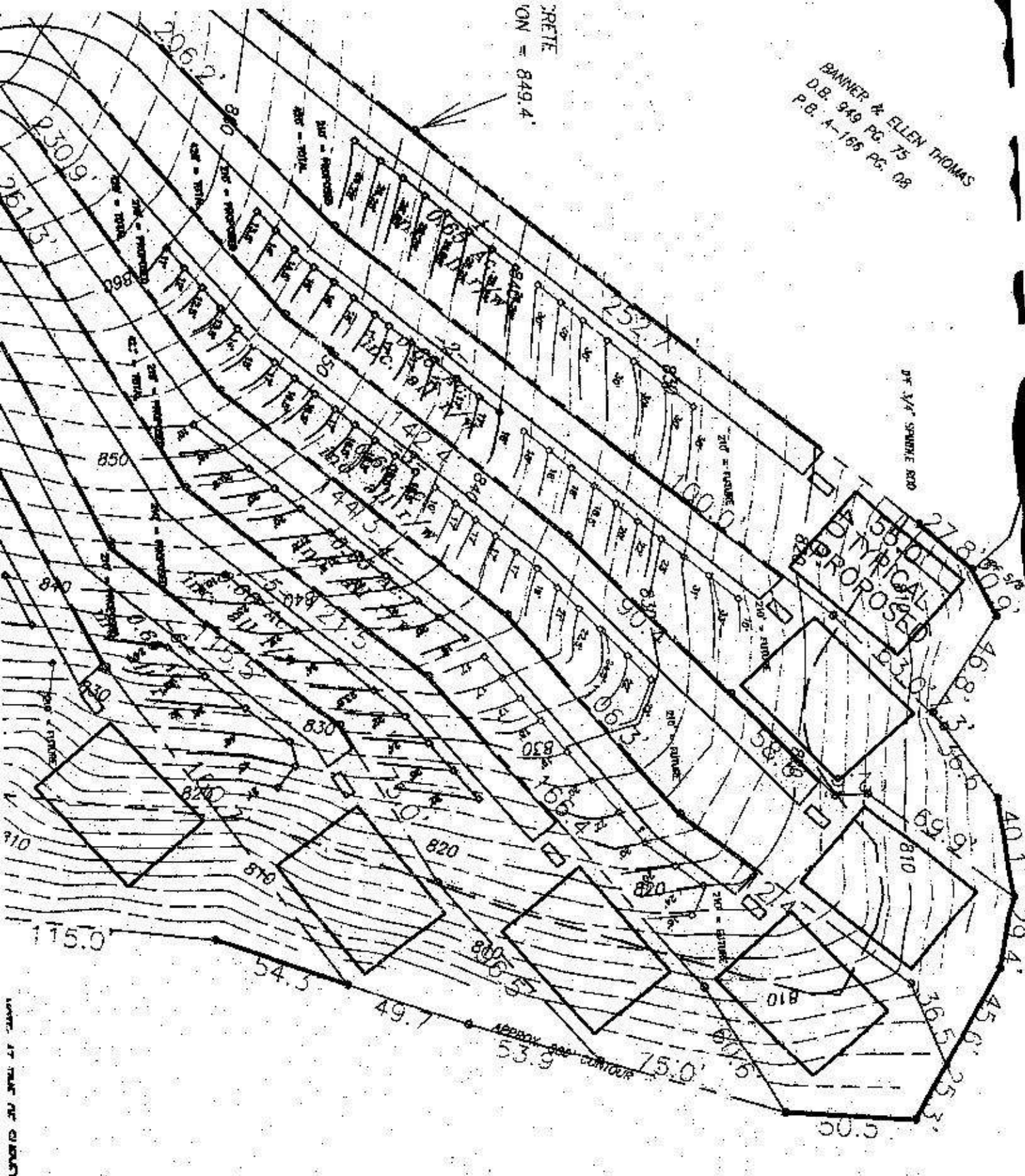
REAR ELEVATION (LAKE SIDE)
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

BANNER & ELLEN THOMAS
D.B. 949 PG. 75
P.B. 4-166 PG. 08

3 REF
ION = 849.4



LAKE KEOWEE
PROPERTY LINE FOLLOWS 800' M.S.L. CONTOUR.
POSSIBLE FLOOD EASEMENT TO THE 810' M.S.L. CONTOUR.

SCALE: 1" = 100'

Setbacks for Lots 4 and 5
Dodgins Lane

Lot 4		Lot 5	
Uphill Left Corner from Lot Line (As Viewed from the Water)	2'-5 5/8"	Uphill Left Corner from Lot Line (As Viewed from the Water)	2'-6 3/4"
Uphill Right Corner from Lot Line (As Viewed from the Water)	1'-0 7/8"	Uphill Right Corner from Lot Line (As Viewed from the Water)	2'-7 5/8"
Downhill Left Corner from Lot Line (As Viewed from the Water)	3'-10 3/4"	Downhill Left Corner from Lot Line (As Viewed from the Water)	6'-9 1/8"
Downhill Left Corner from Water	41'-3 1/2"	Downhill Left Corner from Water	
* Note that eaves extend 1'-0" from corner of the house		* Note that eaves extend 1'-0" from corner of the house	

Willis Huggins

From: JOSEPH <JOSEPHFIOREJR@msn.com>
Sent: Thursday, February 28, 2019 10:47 AM
To: Willis Huggins
Subject: RE: 225 and 227 Dodgins Lane Zoning Appeal

Dear Mr. Huggins,

I am opposed to the variance request for the setback on these lots. I think there are potential problems with parking, landscaping, fire protection, and septic tanks. I am also concerned about "curb appeal" issues that might affect the value of the properties in the subdivision. Oconee County has established these Zoning Ordinances to protect homeowners, and allowing a variance in this case would be a disservice to the homeowners in this subdivision.

I will try to be in attendance for the Public Hearing on Monday, March 25, 2019, but if I am unable to attend, I would like to be advised of the outcome of the hearing.

Sincerely,

Joseph Fiore, Jr.
864-634-3131

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street -Walhalla, SC

Tel: (864)638-4218 FAX (864) 638-4168



APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

APPLICANT: JON GARDNER
Name Title/Organization

PROPERTY OWNER: (If different from applicant)
JON GARDNER

MAILING ADDRESS: 245 150 CARTSON RD SEPCCA

PHONE: cell: 864-985-1774 email: RESZBMW@GMAIL.COM
land line: 864 985-9399

PROPERTY INFORMATION

STREET ADDRESS: 2456 OWENS RD. SEPCCA S.C. 29678

TAX PARCEL # _____ DEED BOOK/PAGE: _____

ZONING DESIGNATION: _____ ACREAGE: _____

REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: _____

DESCRIPTION OF REQUEST:

Date

APPLICANT RESPONSES TO
SECTION 38-7.1
(You may attach a separate sheet)

1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.

This property adjoins by other properties. IT IS NARROW AND DUE TO TOPOGRAPHY I COULD NOT PUT SEPTIC SYSTEM ANY WHERE ELSE, SO THEREFORE SPACE FOR mobile home was limited. The MH near sits right AT ROW AND IS A GOOD 8' ABOVE THE ROAD & IS NOT INTERFERING

2. Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.

yes, placement of septic, could not be with 15' of Embankment ANY WHERE ELSE. 15' IS MINIMUM FROM Embankment per DHEC.

3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

see above.

4. Will the proposed variance result in an activity that will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance. Explain.

I own ADJACENT properties. NO Detachment

Instructions:

1. The applicant/owner must respond to the "findings" questions on page 3 of this application (you must answer "why" you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
2. You must attach a scaled drawing of the property that reflects, at a minimum, the following:
 - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

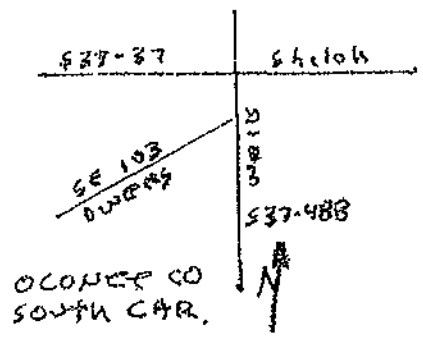
To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is is not restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

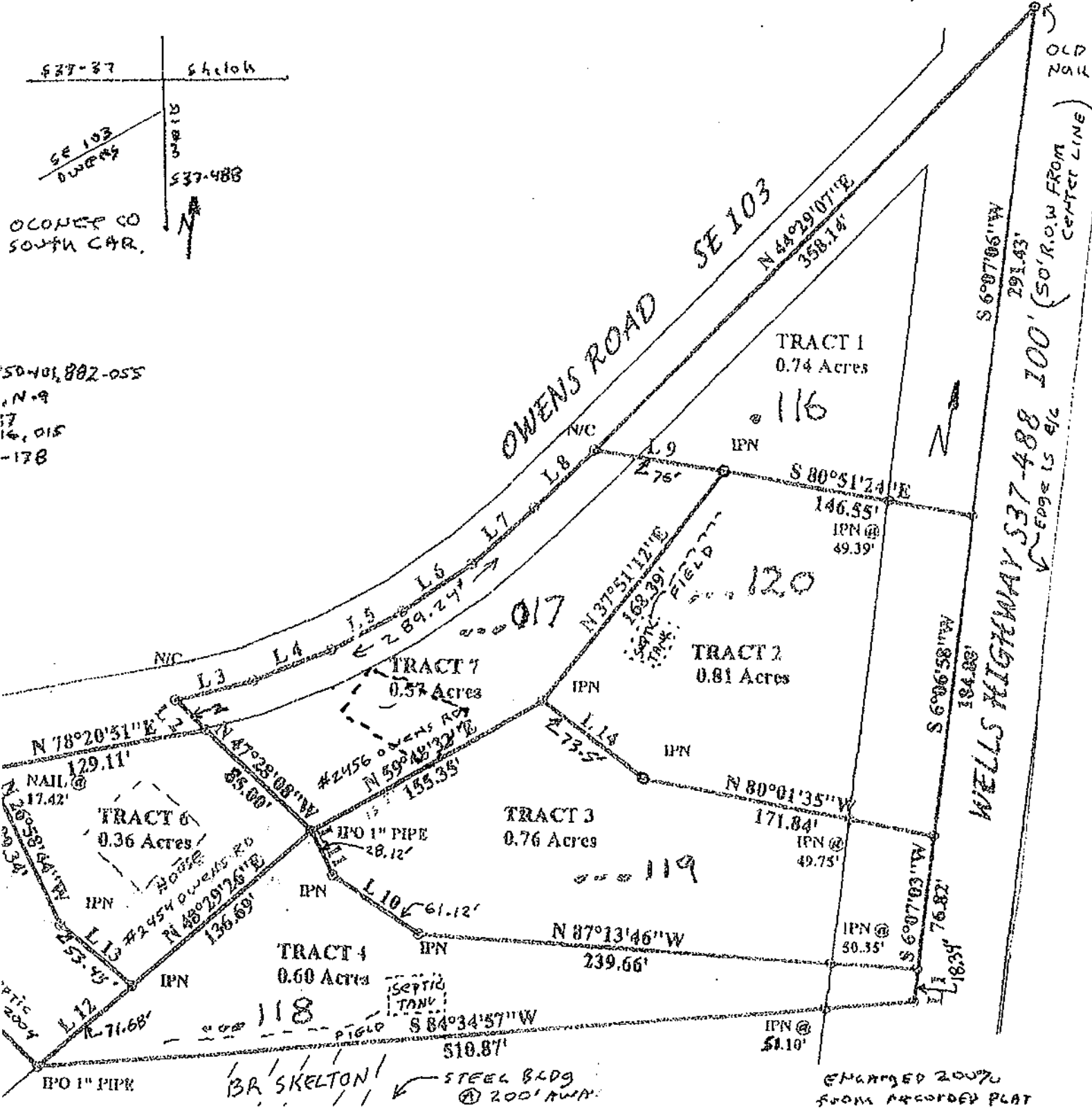
Jan Gordon Applicant Signature

28 Feb 2019 Date

Jan Gordon Property Owner Signature



50-401,802-055
 N-9
 17
 16, 015
 -178



OLD ROW

(50' R.O.W FROM CENTER LINE)



Case VA19-00002
Variance Request



OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Staff Report

To: Members, Board of Zoning Appeals

From: Bill Huggins, AICP
Planner and Zoning
Administrator

Re: Item 7 - Application VA19-000002 - Variance Request from Section 38-10.2 concerning front setback requirement in a Control Free District (CFD) for property identified as 2456 Owens Rd, Seneca, SC (TMS#240-00-04-117)

Property Owner: Jon Gardner

Applicant: Jon Gardner

Zoning: Control Free District (CFD)

Parcel Id# 240-00-04-117

Lot Area: .57 acres

Zoning: CFD, Control Free District

County Code: Section 38-10.2 Control Free District
Section 38.7.1

Request: The applicant is requesting a front setback variance of 25' from the 25' requirement for residential uses within a Control Free District in order to locate a manufactured home on the subject property just off Owens Road. The applicant states that the variance is needed, because the subject property is narrow and included an eight foot embankment next to Owens Road. In addition, the property line on that side extends to the centerline of the road, which further limits options. This is because the setback requirement is measured from the edge of right-of-way, not from the property line.

Also, the applicant notes that due to the topography, the septic system was required to be at least 15 feet from the embankment, further reducing options for the home location.

Finally, the applicant also owns the adjoining property, which houses other manufactured homes and materials available for sale or auction. It should be noted that if these units could be relocated, the applicant could remove the property line separating the larger tract from the subject project and perhaps place the proposed manufactured home without requiring a variance. Mr. Gardner would need to address that question.

Variance Standards

The standards the Board of Zoning Appeals must consider in order to grant a variance are listed below under Section 38-7.1 of the Zoning Ordinance:

- Sec. 38-7.1. - Variances.

The Board of Zoning Appeals may grant a variance in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity;
- 3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- 4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
- 5)
 - a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to

minimize any negative secondary impacts.

- c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the
- d. proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

The applicant shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.



2466