

6955 Fir Grove Ln North - Accessory Structure Minor Variance

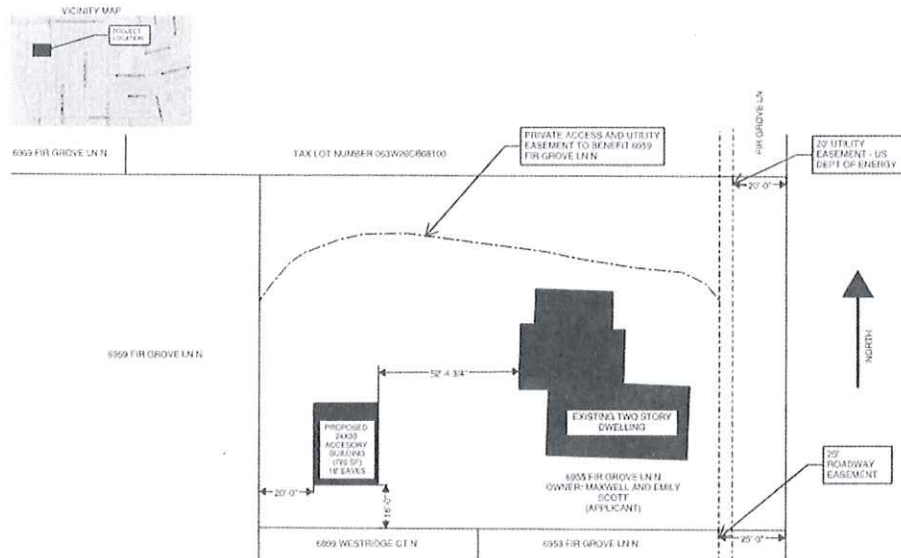


Figure 1 - SITE PLAN - NOT TO SCALE

Variance Criteria:

The applicant is requesting a variance to KDC Section 2.313.01(E) (Building Size and Lot Coverage), which limits an accessory structure to a maximum ground floor area of 600 square feet and/or cannot occupy more than 20% of the rear or side yard. The applicant has requested a variance to maximum ground floor area of 720 square feet.

- A. **1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or**
2. The variance requested is consistent with the intent and purpose of the provision being varied; or
3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied;

Applicant Response: The intent of the maximum ground floor area is to create a maximum measurable property coverage to deter from building structures that take up the entirety of the space on the property to ensure minimum setbacks are met from property lines and existing dwellings on the property.

The property in question, while in the city limits, is uncharacteristically large (over half an acre). The side yard the accessory structure will be built in is approximately 7,800 square feet in size. With the increase to 720 square feet the structure would cover less than 10% of the side yard.

A site plan showing the accessory structure building envelope has been provided and shows how the structure will be positioned on the site to maintain all other setback requirements from KDC Section 2.313.01.

B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and

Applicant Response: The minor variance is for a 20% increase in the maximum allowable ground floor area of the accessory structure. A 20% increase in the maximum allowable size will have no impact on meeting the other requirements of KDC Section 2.313.01.

As shown on the provided site plan a larger building envelope of 720 square feet can still accommodate the setback requirements and all other requirements of KDC 2.313.01. Therefore, eliminating any impact on adjacent existing uses.

C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and

Applicant Response: The minor variance is for a 20% increase in the maximum allowable accessory structure ground coverage size described in KDC Section 2.313.01(E). 600 square feet to 720 square feet. Therefore, the request does not expand the max allowable size by more than 20%.

D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

Applicant Response: No previous land use actions have been approved on the basis that a minor variance would not be allowed.