The subject property is within a Rural Residential Character Area on the Future Development Map of the Comprehensive Plan. This character area is identified as rural, undeveloped land likely to face development pressures for lower density residential development (~2.5 acres).

Regarding the subject property, this Variance request came as a result of a Code Enforcement action. The manufactured home was placed on the property without obtaining the necessary approvals and a building permit. The subject property qualifies for a second home as a matter of right, and contains plenty of space for the accommodation accessory structures/dwellings. As discussed with the applicant's representative, a 20% relief could have been granted via the Administrative Waiver process, however, the relief would not have been sufficient enough to meet the applicant's needs.

Staff reviewed the requested Variance and is ultimately recommending for its approval as depicted on their submitted site plan. Considerations were given to the minimum amount of Variance needed to accomplish the applicant's needs.

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.*