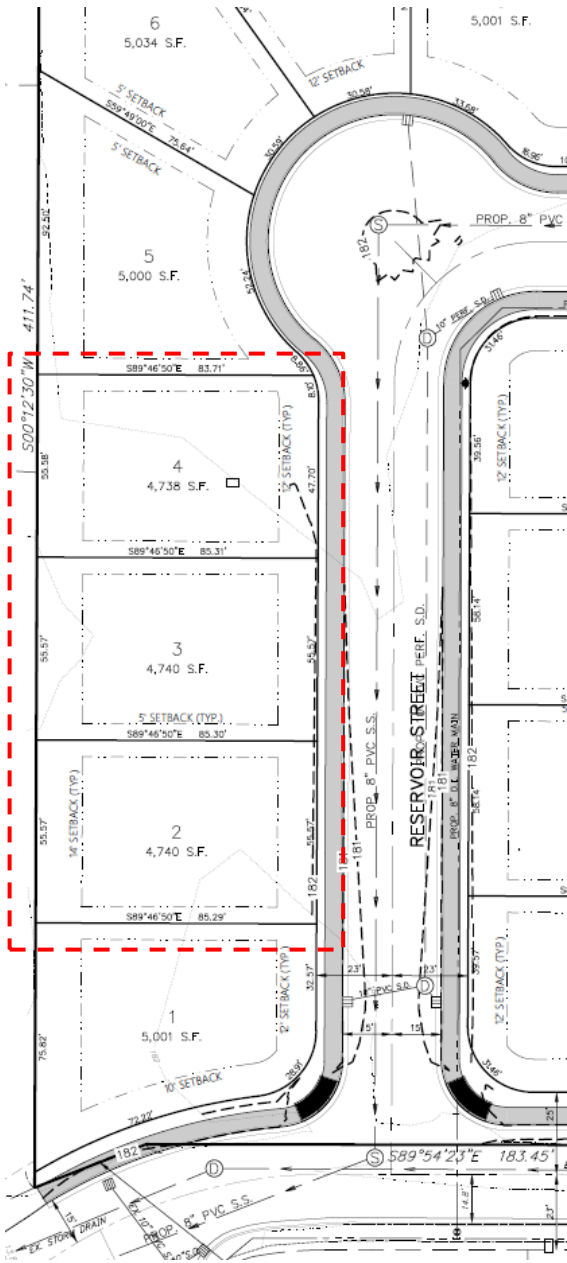


# Bair Road

## Revised-Variance



### Variance Criteria:

The applicant is requesting a variance to KDC Section 3.190 Table 1(RS-5 Development Standards), which requires a minimum lot size of 5,000 square feet for detached single family dwellings.

The applicant is proposing to subdivide 1.99 acres into thirteen (13) single family dwelling lots. The lots range in size from 4,738 square feet to 5,034 square feet within an average lot size of 4,947 square feet. The subject property is zoned (RS) Single Family Residential and identified as 063W23DC/2400.

Lots 2, 3, and 4 do not meet the minimum lot size requirement.

Lot 2: 4,740 square feet

Lot 3: 4,740 square feet

Lot 4: 4,738 square feet

Therefore, a variance to lot size is being requested.

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 lot size is to create a lot that can accommodate a single-family dwelling while meeting the minimum lots size requirements and providing the minimum setbacks.

Lots 2, 3, and 4 range in size from 4,738 square feet to 4,740 square feet. The intent of lot size requirements is also to meet a minimum density on the site for housing needs. In order to meet housing density smaller lots had to be created. The subdivision is creating a density of 6.53 units per acre. Therefore, the intent of the code is met.

- 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 lot size of Lots 2, 3, and 4 range from 4,738 to 4,740 square feet in size. The minor variance is for about a 9% lot size reduction. A 9% lot reduction will have no impact on how those lots can be developed, since the lots are large enough to accommodate all required setbacks.

As shown on the site plan, an adequate building envelope can be provided on Lots 2, 3, and 4, while meeting the setback requirements.

- 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 about a 9% lot size reduction for Lots 2, 3, and 4. Therefore, the request does not reduce the lots by 20% or more.

- 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.