



## Legislation Details (With Text)

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<b>On agenda:</b>	9/17/2020	<b>Final action:</b>		9/17/2020	
<b>Title:</b>	Kattelman Variance Request - 623 Powderhorn Pass - Place an accessory structure on a vacant lot				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Notice, 2. Aerial Map				

Date	Ver.	Action By	Action	Result
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Kattelman Variance Request - 623 Powderhorn Pass - Place an accessory structure on a vacant lot

### Summary:

The applicant is seeking a variance to construct an accessory structure on a vacant lot. The ordinance requires a principal building be constructed on a residential lot prior to construction of an accessory structure.

### Background:

The applicant owns a vacant lot on Vail Circle in the Timberline Addition immediately adjacent to the applicant's primary residence at 623 Powderhorn Pass. The Ordinance requires a principal building be constructed and used on the lot prior to the construction and use of an accessory structure on the lot.

The owner is proposing to place a 12' x 16' garden shed near the rear of the vacant lot, in close proximity to the garden located on their primary residence.

### Variance Criteria:

- 1. Due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of the variance.**

There are no known special conditions resulting in unnecessary hardship.

- 2. Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.**

Unique circumstances do not apply to the lot or location.

- 3. The variance is necessary for the preservation of a property right that is substantially the same as that possessed by other owners of other property in the same district.**

The primary residence at 623 Powderhorn Pass has sufficient room in the rear yard for placement of a garden shed.

**4. The variance requested is the minimum variance which would alleviate the hardship.**

An alternative location in the rear yard of 623 Powderhorn Pass is available for the placement of a garden shed.

**5. Reasonable use of the property is not permitted under the terms of this chapter.**

In this case, the property is useable without the garden shed.

**Staff Recommendation**

Staff recommends denial of the variance request as presented.

**Body2**

**Attachments:**

Notice

Site Plan

Aerial Map