

13290 CHAIN LAKE ROAD DEVELOPMENT VARIANCE CRITERIA

According to Monroe Municipal Code Chapter 18.98 (Variance Permits), no variance may be approved unless all of the following findings can be met. How the project meets each finding is described below the finding description.

Special Circumstance: The variance shall not constitute a grant of special privilege inconsistent with the uses of other properties in the vicinity and in the same zone in which the property on behalf of which the application was filed is located;

The property is zoned R4 (4 residential units per acre). The proposed development and variance request is for 1 single-family residence. Thus, the variance does not constitute a grant of special privilege inconsistent with the uses of other properties in the vicinity and in the same zone in which the property on behalf of which the application was filed is located.

Privileges: The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

The variance is necessary because of the shape of the parcel in relation to the location and category of the wetland and associated buffer. The wetland is a Category III wetland with a standard 80-foot buffer. The wetland is long in shape and located in the center of the property. Thus, the wetland and associated 80-foot buffer almost completely encumbers the property. Reducing the buffer by 25% (to 60 feet), as allowed under MMC 22, the site is still significantly encumbered. Compliance with MMC 22 would deny reasonable use of the property.

Detrimental: Granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;

The development of a single-family residence is consistent with the underlying zoning and the adjacent land use. The development would not pose an unreasonable threat to the public health, safety, or welfare on or off the property.

Comprehensive Plan: The authorization of such variance will not adversely affect the implementation of the comprehensive plan; and

The Comprehensive Plan designates the parcel and surrounding area as low density single-family residences. The proposed development is for 1 single-family residence on a 1.15-acre lot; thus the proposed development meets the Comprehensive Plan designation and will not adversely affect the implementation of the Comprehensive Plan.

Property Rights: The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.

The property and surrounding land use is single-family residences. The variance is necessary for the applicant to preserve and enjoy the same land use (i.e., single-family residence) currently possessed by the owners of other properties in the same zone or vicinity.