

line requires 95 trees and 597 shrubs. Mr. Knudson would like to forego planting of the aforementioned trees/shrubs and utilize the site's existing trees and vegetation. **Thus, he is seeking a Variance to the minimum buffer requirement in its entirety.**

Additionally, Mr. Knudson, proposes to establish the required parking lot within a one acre, fenced area located in the front of the existing residential dwelling. Based on the ULDC parking requirement for an Outdoor Recreational Use, Mr. Knudson, would have to provide a minimum of 800 parking spaces. He is of the opinion that the use will not warrant such a large scale parking area and proposes a parking lot with (50) fifty parking spaces and (2) two handicap parking spaces. **Thus, he is seeking a Variance of ~748 required parking spaces.** According to Mr. Knudson, they surmise that there will not be any more than fifty patrons on site at any given time, thus, the large number of required parking spaces is unwarranted. While the design requirements provide for a paved, dust-free surface, the county engineer will allow the applicant to use other acceptable surface alternatives to include lime rock, crushed concrete, etc. According to the county engineer, the costs for using alternative methods are about one-half the cost of conventional paving costs. The applicant has cited costs as their primary reason for their requested relief.

The subject property is located in a Suburban Area Character Area, as reflected on the 2030 Future Development Map. This character area is a focal point for traditional neighborhood development principles, schools, community centers or well-designed small commercial activity centers at suitable locations within walking distance of residences and appropriate public uses. As you can see from the aerial, the subject property is bounded by both residential and agricultural zoning districts. The TRC considered this request and had no objectionable comments, however, recommends the following **condition**: Should the need for additional parking become evident, the applicant will provide the same on-site according to county staff's recommendation.

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; and*
- 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.*