

January 13, 2025

**FINDINGS OF FACT AND RESOLUTION
BOARD OF ZONING APPEALS**

The APPEAL of Julie Faubel for a dimensional variance from Section 22.53(13)(a) of the Zoning Code. If granted, this variance would allow for the construction of a gazebo behind the L shaped house where the gazebo is behind the first step in the L with only a portion beyond the second step in the L, at 1823 Sycamore Drive, when accessory structures are to be in the rear yard which is defined as a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure.

- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district. (Sec. 22.68(3)(b)(1)(A) Zoning Code).

Affirm (it is exceptional) _____

Dissent (it is general or not exceptional) _____

- 2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity. (Sec 22.68(3)(b)(1)(B) Zoning Code).

Affirm
(equal property rights could not otherwise be enjoyed) _____

Dissent
(the same property rights can be enjoyed without a variance) _____

- 3) That a variance is not being requested solely on the basis of economic gain or loss, and that self-imposed hardships are not being considered as grounds for the granting of a variance. (Sec. 22.68(3)(b)(1)(C) Zoning Code).

Affirm _____

Dissent _____

- 4) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose and intent of the Zoning Code or public interest. (Sec. 22.68(3)(b)(1)(D) Zoning Code).

Affirm
(adjacent property and/or public interest will not be detrimented) _____

Dissent
(adjacent property and/or public interest will be impaired if the variances are granted) _____

On the basis of the foregoing Findings of Fact, the Board took the action indicated in the minutes.

ATTEST _____
Secretary to the Board