

**Staff Report**

**Subject:** Variance (Third District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** December 06, 2022  
**Item Description:** **Kaitlin Rapp** requests a **variance** from Section 3.20 Minimum Living Area. Located at 4302 Old Dixie Highway, zoned **AR-2. Map# 313 Parcel# 12**

**Summary Recommendation**

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from Section 3.20 Minimum Living Area, with conditions.

**Executive Summary/Background**

- Pursuant to Appendix C-Zoning Ordinance, Article III-General Provisions, Section 3.20, *“No single or multiple-family living unit shall be constructed with a total living area of less than 525 square feet”*
- The applicant has applied for a building permit (Application # 202202038) to install a dwelling with 373 square feet of living area, with an additional 164 square foot loft. The loft space must be discounted due to 2018 IBC regulations which define habitable space as having a ceiling height of at least 6’ 8”.
- The ceiling height of the loft is approximately 5’, which the applicant finds sufficient to her needs for personal use. When including the loft as living area, the dwelling is 537 square feet, which exceeds minimum square footage requirements.
- The proposed home site is on a 2.26-acre parcel which is zoned AR-2. The site plan submitted shows the dwelling setback 50’ from the front setback.
- At the November 21, 2022 Planning Board meeting, Ryan Thompson made a motion to **approve** the request for a **variance** from Section 3.20 Minimum Living Area, with the following condition:
  1. The dwelling shall in all other ways conform to applicable building codes and County ordinances.
- The motion was seconded by Alan Zipperer and carried unanimously.

**Alternatives**

1. **Approve** the request for a **variance** from the required square footage of livable space necessary for a dwelling, with the following condition:
  1. The dwelling shall in all other ways conform to applicable building codes and County ordinances.
2. **Deny** the request for a **variance** from Section 3.20 Minimum Living Area.

**Recommended Alternative: 1**

**Department Review:** Development Services

- Attachments:**
1. Variance application
  2. Ownership certificate/authorization

**Other Alternatives: 2**

**FUNDING:** N/A

3. Site Plan
4. Aerial photograph
5. Deed