

## **Variance Review Criteria**

The following criteria shall be applied in evaluating and deciding any application for a Variance. No application for a Variance shall be granted by the Zoning Board of Appeals unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application.

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| <b><i>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</i></b>   |  |
| <b><i>Applicant:</i></b>   | The need for the variance is due to the nature of the proposed building and the buildings that are situated around it.   |
| <b><i>Staff:</i></b>   | Yes. The parcel is relatively large and surrounded by mostly industrially zoned properties. Existing trees help shield the proposed building from view from neighboring streets.   |
| <b><i>(2) The variance is necessary because the particular physical surroundings, the size, shape or topographical conditions of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished for a mere inconvenience, if the provisions of the LDR are literally enforced.</i></b>   |  |
| <b><i>Applicant:</i></b>   | The variance is necessary because the particular section of the LDR to be enforced will create a financial hardship when opaque fencing and vegetative buffering will already be in place prior to completion of construction activities. And in addition to the distance from E. Hill Avenue. |
| <b><i>Staff:</i></b>   | Yes. The parcel is relatively large and surrounded by mostly industrially zoned properties. Existing trees help shield the proposed building from view from neighboring streets.   |
| <b><i>(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.</i></b>  |  |
| <b><i>Applicant:</i></b>   | The lot size in C-H zoning is ordinarily smaller than the subject property and ordinarily the lots do not fall on corner lot configuration.  |
| <b><i>Staff:</i></b>   | No, it does not.   |
| <b><i>(4) The condition is created by the regulations of Title 2 of the LDR and not by an action or actions of the property owner or the applicant.</i></b>  |  |
| <b><i>Applicant:</i></b>   | The subject property predates the LDR by many years in its current layout so the condition is created entirely by the LDR.   |
| <b><i>Staff:</i></b>   | Yes. It was created by the LDR.  |
| <b><i>(5) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.</i></b> |  |
| <b><i>Applicant:</i></b>   | The granting of the variance will have no adverse effect on the surrounding properties and in fact will match the existing buildings and property configuration in the area.   |
| <b><i>Staff:</i></b>   | There will be little to no impact on the adjacent properties.  |
| <b><i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i></b>  |  |
| <b><i>Applicant:</i></b>   | Yes.   |
| <b><i>Staff:</i></b>   | Yes. The variance requested is minimal.  |
| <b><i>(7) The requested variance will not be inconsistent with the general spirit and intent of the LDR or the purpose and intent of the Comprehensive Plan.</i></b>   |  |