

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.

<i>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</i>	
<i>Applicant:</i>	The depth of the property dictates an internal access road creating parcels fronting on the new internal access road instead of Inner Perimeter Road. This creates the condition (stated below) where major commercial tenants would be denied a basic monument sign that is allowed for other commercial tenants fronting on Inner Perimeter Road.
<i>Staff:</i>	The size of the property and the proposed access road are the conditions that are unique and peculiar to the land.
<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>	
<i>Applicant:</i>	Because the development of the 14 acre (plus or minus) tract is classified as a multi-tenant facility (shopping center/commercial) the LDR would not allow internal parcels to have a freestanding sign of their own. This creates a hardship for major commercial tenants who need and require monument signs at its entrance off of the internal drive. We are agreeable to the suggested conditions of the Zoning Administrator in his 10/10/2017 email to applicant.
<i>Staff:</i>	The variance is necessary because of the size of the property.
<i>(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.</i>	
<i>Applicant:</i>	As stated, the way the regulations are constructed, it creates a disadvantage to businesses and merchants that may be located on a secondary street among the same multi-tenant development because of their location on this secondary street, even though in some cases these businesses/merchants may be of higher quality than those on the primary street.
<i>Staff:</i>	This parcel is different in nature because of the proposed internal street and its size.
<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>	
<i>Applicant:</i>	Yes, this is a fact as stated.
<i>Staff:</i>	The condition is created by the LDR.
<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>	
<i>Applicant:</i>	On the contrary, the variance will complement the other property and improvements in the neighborhood by allowing a consistent theme and design of professionally designed signage. This variance would not cause any of the hazards or dangers referenced above and will increase values in the neighborhood due to the consistent and coordinated design for all signage. Without this minimum monument signage, the businesses located on the secondary street would be disadvantaged in their recognition/marketing and in some cases, prevent certain merchants from being recruited to the development.
<i>Staff:</i>	There will be little to no impact on the adjacent properties.
<i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i>	
<i>Applicant:</i>	No answer.