

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>	We are reducing the size of the existing menu boards and have selected the smallest menu boards that are available.
<i>Staff:</i>	There is nothing unique or peculiar to justify granting the variance.
<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>	McDonald's menu boards are standard sizes. We are proposing to install the smallest unit they have.
<i>Staff:</i>	The variance is not necessary because of the physical surroundings, or because of the size, shape, or topographical conditions.
<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>	There are multiple establishments with menu boards (Sonic, Wendy's, Taco Bell)
<i>Staff:</i>	This parcel is similar in nature to other commercially zoned properties.
<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>	True
<i>Staff:</i>	The condition is not 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>	Correct
<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>	Correct.
<i>Staff:</i>	Yes. The variance requested is minimal.