technicality of the supplemental standards which were adopted after the property was development is preventing the property's repurpose. Planning staff would like to see a buffer yard in the rear of the subject property. Given these conditions, staff is recommending approval to the Minimum Buffer requirement as provided in the Supplemental Standards in its entirety.

Division with Recommendation	**Planning**	**Zoning**	**Engineering**	**Utilities**
	Approval w/condition	Approval	Approval	Approval
	Board of Health	**Fire/Rescue**	**Inspections**	**Moody AFB**
	Approval	Approval	Approval	n/a
Recommended Conditions with (Source)	*Condition: the rear yard be provided a vegetative buffer at a minimum of thirty (30') feet (Planning)*			
Other Comments with (Source)	N/A			

The ULDC provides that variances may be granted upon a finding by the ZBA that one the following conditions have been met:

A. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*
B. *Such conditions are peculiar to the particular piece of property involved;*
C. *The application of this ULDC to this particular piece of property would create an unnecessary hardship;*
D. *Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;*
E. *A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;*
F. *Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;*
G. *The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
H. *The special circumstances are not the result of the actions of the applicant;*
I. *The variance requested is the minimum variance that will make possible the legal use of the land or structure;*
J. *The variance is not a request to permit a use of land or structures which are not permitted by right in the zoning district involved*~~;~~
K. *The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;*
L. *The design, construction, and character of the nonconformance is not suitable for uses permitted in a district in which the nonconformance is situated; and*
M. *The nonconforming use is similar to the prior nonconforming use.*

ULDC Chapter 4.07.06

B. Location, Measurement, and Design of buffers

1. Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not occupy any portion of an existing, dedicated, or reserved public or private street, or right-of-way.

2. Buffer width is normally measured from the property line; however, design variations are allowed. Average width shall be measured at the two (2) end points of the buffer and two (2) additional points which are each approximately one-third (1/3) of the total linear distance from the end point.

3. Buffer yards shall be located on private property between the property line and any required fence or wall. They shall consist of a minimum four (4) shade trees and twenty-five (25) shrubs per 100 linear feet. Shrubs shall be at least eighteen (18) inches in height at the time of installation. Buffer yards shall be maintained as green open space, consisting of sod or ground cover, along with required plantings and access drives only.

4. The buffer shall be designed to avoid or minimize plantings within drainage, utility, or other easements.

5. Buffers shall be designed taking into consideration the site's soils conditions, topography, and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.

6. Buffers shall be established and maintained by the owner of the proposed development site.

Table 4.07.06(C). Buffer Area Standards.

Proposed Land Use	Adjacent Zoning district	Minimum Buffer Area*