

- (5) The street yard area between the fence/building and the western Marion Street right-of-way line shall be landscaped with heavy evergreen vegetation to greatly obscure the fence and building walls, as approved by the City Arborist.
- (6) The existing small shed in the interior of the main parcel shall obtain any applicable permits and necessary inspections as part of the plan review and permitting of the new development.

**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.*

<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 existing building has been at this location since before the LDR and building setbacks existed.. The building setback variance is needed to locate the new facility in such a way as to make it functional to integrate with the existing building.
<b><i>Staff:</i></b>	Yes. There is a building that is currently non-conforming and encroaching on existing C-H setbacks. The parcels are smaller, which do not allow much room for buildings and/or parking.
<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>	Yes. Vehicular access is crucial for the business type and alignment of doors and building walls is necessary to make the building functional.
<b><i>Staff:</i></b>	Yes. The parcels are smaller, with E. Ann functioning more as a front yard than Marion St.
<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>	Yes. The existing facility has been in continual operation since 1982 at this location. Most businesses in this area have not existed for that long.
<b><i>Staff:</i></b>	Correct.
<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>	Yes. The business has operated in this facility at this location since 1981, long before the LDR.
<b><i>Staff:</i></b>	The condition is 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>	No hazards or impairments anticipated.
<b><i>Staff:</i></b>	There will be no direct impact on adjacent properties.