

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.

(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.	
<i>Applicant:</i>	Chick-Fil-A has estimated that approximately 75-80% of its business occurs from drive-thru traffic. Approval of the proposed variance requested and reconfiguration of the existing site will allow for the construction of a dual lane drive-thru with a Face2 Face order canopy and an Outdoor Meal delivery Canopy. Current CFA business has prompted the need to increase the efficiency and the amount of stacking in the drive-thru lanes but due to the size of the existing development site, this cannot be achieved without the removal of some parking spaces.
<i>Staff:</i>	There is nothing unusual about the parcel to merit granting the variance.
(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>Applicant:</i>	The existing site configuration meets the minimum parking requirements but restricts the site to a single lane drive-thru that actually blocks the use of the parking spaces between the drive thru lane stacking and the building. In order to increase the drive-thru lane efficiency Chick-Fil-A could like to convert the spaces to a second lane of drive-thru stacking. The site is limited to the existing property boundaries and additional parking spaces cannot be added back. Based on the requirements of the LDR, the only available option would be for the store to have to consider relocation in lieu of these proposed onsite enhancements.
<i>Staff:</i>	No. The variance is not necessary. The restaurant has functioned as is for several years.
(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.	
<i>Applicant:</i>	Chick-Fil-A is a very popular fast food restaurant that attracts more customers than many other fast food restaurants and does more business through the drive-thru than other users of the same zoning. A more efficient drive thru lane with additional stacking will help keep CFA customers on the CFA site and provide better traffic circulation. A reduction in the length of the drive through line will also encourage potential drive-thru customers to wait in line instead of parking and going inside to order.
<i>Staff:</i>	No. There is nothing unusual about this property.
(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>Applicant:</i>	The required number of parking spaces, 14 spaces/1000 SF for a fast food restaurant is excessive for this Chick-Fil-A location. CFA has a high turnover of customers that the majority do not spend long period of times parked. They also do the majority of their business through the drive-thru lane. CFA feels that the two lanes of drive through stacking outweigh the need for the additional 9 parking spaces required to meet code.
<i>Staff:</i>	The condition is created by the restaurant rather than the LDR.
(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	