

**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.

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| <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>   | High voltage power lines prevent sign on James Circle and St Augustine Road corner.   |
| <b><i>Staff:</i></b>   | There is nothing unusual about the parcel to merit granting the variance.   |
| <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>   | Large embankment on St Augustine Rd due to Interstate 75 ramp and bridge.   |
| <b><i>Staff:</i></b>   | No. The variance is not necessary. Signage is not required to conduct business, and if signage is desired, there are other options. |
| <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.  |
| <b><i>Staff:</i></b>   | No. There is nothing unusual about this property.   |
| <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>   | LDR does not allow variable message boards to be individually mounted directly to a wall.   |
| <b><i>Staff:</i></b>   | The condition is created by the applicant rather than 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>   | NA  |
| <b><i>Staff:</i></b>   | There will be no direct impact on adjacent properties.  |
| <b><i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i></b>  |   |
| <b><i>Applicant:</i></b>   | Variable message boards will be directly mounted to the building to overcome power lines and embankment issues. .                   |
| <b><i>Staff:</i></b>   | The variance requested is not a large variance.   |
| <b><i>(7) The requested variance will not be inconsistent with the general spirit and intent of the LDR or the purpose and intent of the Comprehensive Plan.</i></b>   |   |
| <b><i>Applicant:</i></b>   | NA  |
| <b><i>Staff:</i></b>   | The request is inconsistent with the Comprehensive Plan.  |