

Variations are intended to relieve situations in which strict application of the regulations prohibits reasonable development or usage of the property. There is no legitimate hardship, but if the Board considers approval of any of the variance requests, staff proposes placing conditions on the approval—that no additional freestanding wall, directional, or canopy square footage would be allowed, even if it met current applicable code.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and **deny** the Variance request.

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.	
Applicant:	The proposed development is a convenience store with diesel fuel with multiple gas pump stations and canopies. There will be diesel pumps in the rear of the development for semi-tractor trailer trucks and it will be important to have larger directional signs to separate and direct traffic for automobiles and tractor trailer trucks between the automobile pumps and diesel pumps. Larger canopy signs for diesel and gas will be important to direct tractor trailer trucks. The property sits well off the interstate but the business will cater to interstate traffic. A larger high rise sign is necessary for legibility and safety so that interstate traffic can read it.
Staff:	There is nothing unusual about the property to merit granting the variances.
(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.	
Applicant:	The property is positioned in a location where it will have multiple entrances and exits onto the secondary streets. Directional signs are extremely important to guide traffic across the development, especially with larger trucks entering and exiting the property. The proposed placement of the high rise sign is necessary to advertise to interstate traffic and avoid obstruction from larger pine trees located to the rear of the property.
Staff:	No. The variances are not necessary. There is nothing unique about the property that provides hardship.
(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.	
Applicant:	The applicant is not aware of any of the conditions requiring a variance that are ordinarily found in the same zoning district as the subject property. The subject development is unique compared to other properties around it in terms of its size and the nature of the diesel fueling services it will offer to tractor trailer trucks.
Staff:	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.	
Applicant:	The conditions requiring the variance are the results of regulatory requirements regarding signage limitations that are inconsistent with the practical day to day operations of the property as a convenience store with diesel fuel.
Staff:	The condition is created by the applicant 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 light or air to adjacent property,	