

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: Siding is existing.</i>
<i>Staff: The variances arises from the complete renovation of an existing building to comply with the Urban Commercial Corridor Overlay District Standards.</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>Applicant: See attached email.</i>
<i>Staff: Renovations of the building do not comply with the Urban Commercial Corridor Overlay District Standards.</i>
(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
<i>Applicant: See attached email.</i>
<i>Staff: Every new construction or renovation greater than 20% of the Gross Floor located in the Urban Commercial Corridor are held to these standards.</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>Applicant: See attached email.</i>
<i>Staff: The condition is created by the adoption of the Urban Commercial Corridor Overlay District which was adopted in 2009.</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>Applicant: The variance will not impact any of the items listed above.</i>
<i>Staff: The variance will not endanger the public safety.</i>
(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.
<i>Applicant: See attached email.</i>
<i>Staff: Yes, the variance is the minimum variance that will make possible the reasonable use of the building.</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>Applicant: See attached email.</i>
<i>Staff: The requested variance will be inconsistent with the intent of the Urban Commercial Corridor Overlay District Standards.</i>

Relevant Development Standards in the LDR that are “Significant” to the Proposal