

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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| (1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved. | |
| Applicant: | The need arises as the owners desire to construct a storage building at a country club which has a large golf course, many structures, different zoning classifications, and is landlocked by residential neighborhoods. |
| Staff: | No. There is nothing unique and peculiar to the subject property that is sufficient to warrant a 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. | |
| Applicant: | The current site is used as a storage with a variety of buildings and structures. The desire to have a cleaner looking storage building is made difficult by the added cost associated with cladding being required on such a large structure. |
| Staff: | No. There is nothing unusual with the physical surroundings or characteristics of the property that necessitate the Variance. |
| (3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property. | |
| Applicant: | This is a large parcel with many buildings and different zoning designations for the same property which has changed several times over the course of the club's history. |
| Staff: | This property is a larger property for a residentially zoned parcel. |
| (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 façade material requirements are designated in Title 2 Section 214-7 of the LDR. |
| Staff: | No. The applicant's need for a Variance is self-imposed. |
| (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. | |
| Applicant: | The metal building proposed will be green in color and will be buffered from the road with existing vegetation and added landscaping. The green color will hide the structure better than any other material that could be used. |
| Staff: | There will be little to no impact on the adjacent properties. |
| (6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures. | |
| Applicant: | Allowing the metal façade will allow the project to move forward and the owners to make use of their property. |
| Staff: | No. The subject property already has reasonable use and development possibilities in its current configuration. |
| (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. | |
| Applicant: | The proposed variance will allow the owners to make reasonable use of their property while maintaining the integrity of the surrounding area. |