

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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| <i>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</i> | |
| Applicant: | NA |
| Staff: | The parcel is smaller and developed with a house, an accessory structure, and patio built on a concrete slab. The parcel does not have much room for additional development. |
| <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: | NA |
| Staff: | The property is smaller and almost built to capacity. There is nothing unique about this parcel to merit a variance. |
| <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: | Yes, quite often. |
| Staff: | Yes. Other nearby parcels are similarly developed. |
| <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: | By property owner |
| Staff: | The condition is not created by the LDR. |
| <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: | This addition will not create any type of problem or hazard. |
| Staff: | There will be little to no direct impact on adjacent properties. |
| <i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i> | |
| Applicant: | NA |
| Staff: | The variance requested is a larger variance. |
| <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: | NA |
| Staff: | The request is not consistent with the Comprehensive Plan. |