



## ZBOA Agenda Item # 8 JULY 2, 2019

### Variance Request by Adam Moore File #: APP-2019-05

Adam Moore is requesting a variance to Table One of LDR Section 214-1 as it relates to impervious totals and rear yard setbacks. The subject property is located at 2704 N. Oak Street B-1, consists of 0.2 acres, and is zoned R-P. The property consists of a commercial pharmacy with a drive-thru and is a part of an office complex. The applicant is requesting variances to an already nonconforming property in order to add on space for compounding laboratories. The applicant's pharmacy compounds medication, and federal law requirements regarding compounding are triggering the addition, and therefore, the variance request.

The applicant is proposing to add an addition that is approximately 7.5 feet in width and 34.5 feet long. Currently, there is approximately 4 feet between the edge of the existing building and the property line. The applicant is proposing to buy additional property from the adjacent property owner to the west to accommodate the addition. However, R-P zoning requires a rear yard setback of 25 feet; the applicant is proposing a rear yard setback of 4 feet. Additionally, the property is nonconforming in terms of impervious surface. The property currently consists of 76.1% (6670 sq. ft) impervious. With the addition, it increases the impervious surface to 79.6% (6974 sq. ft.). Therefore, the second variance is to the impervious surface cap. R-P allows no more than 60% impervious.

Staff understands that all regulations need to be met, whether they are local or federal. Staff also understands that this parcel, and possibly other parcels within the office complex, are currently nonconforming in terms of impervious surfaces and setbacks, more than likely because they were built under previous regulations. The setback variance is larger, while the impervious surface variance is not that much of an increase, but the applicant may be able to negate any increase by replacing some of the existing impervious with pervious materials to offset the 3.5% increase.

Variances are intended to give relief in situations beyond design's control. The applicant is asking for larger variances for a rear yard setback and an impervious cap. However, there is no hardship. Staff finds no hardship for either variance and recommends denial.

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