

### 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.

<b><i>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</i></b>	
<b>Applicant:</b>	Request for single family home variance at existing square footage
<b>Staff:</b>	There is nothing unusual about the property to merit granting the variance. The applicant can enclose the porches and meet the minimum square footage for R-15 dwellings.
<b><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></b>	
<b>Applicant:</b>	Bellemeade North homeowners have no objection to the requested variance.
<b>Staff:</b>	No. The variance is not necessary. There is nothing unique about the property that provides hardship.
<b><i>(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.</i></b>	
<b>Applicant:</b>	Clubhouse currently has 977 square feet heated and cooled and 444 square feet of covered porches.
<b>Staff:</b>	No. There is nothing unusual about this property.
<b><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></b>	
<b>Applicant:</b>	True.
<b>Staff:</b>	The condition is created by the applicant rather than the LDR.
<b><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></b>	
<b>Applicant:</b>	True
<b>Staff:</b>	There will be no direct impact on adjacent properties.
<b><i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i></b>	
<b>Applicant:</b>	True.
<b>Staff:</b>	The variance requested is 223 square feet of living space, which is not a small amount.
<b><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></b>	
<b>Applicant:</b>	The clubhouse was built by the original developers on conformity withal of the other structures in Bellmeade North. Applicant seeks to maintain the exterior of the clubhouse as it always existed and currently exists. If the variance is granted, there will be no change to the exterior of the building.
<b>Staff:</b>	The request is inconsistent with the Comprehensive Plan.