

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: The need for a commercial type sign on a planned development for a daycare.</i>
<i>Staff: The variances arises from zoning district in which the commercial business is placed.</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: Not applicable.</i>
<i>Staff: The variance is necessary based on the zoning district and sign regulations.</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: Planned Developments range in uses. Our Planned Development is a commercial daycare facing a previous industrial use. (Crackin' Good bakery and a church).</i>
<i>Staff: Commercial signage is not typical for an Office Professional zoning district.</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: This condition is created by the development of a commercial business.</i>
<i>Staff: The property owner currently has a sign that fits within the Office Professional zoning district but would like a commercial sign.</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 variance will enhance the property and our communication with parents. No harm will result from this variance</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: Correct.</i>
<i>Staff: The proposed sign is within the size requirements for the zoning district. The variable message board is the reason for the variance request.</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: Correct. A commercial building with a commercial sign.</i>
<i>Staff: The requested variance will be inconsistent with the zoning district but consistent with the use of the property.</i>