

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.	
Applicant:	I have an 8 ft. privacy fence around my back yard. There is no access to my back yard on the opposite side of my house due to trees, bushes, A/C units, and no gate on the small portion of fence.
Staff:	There is nothing unique or peculiar to justify granting the 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:	There was a dog kennel installed into the existing concrete that I removed to replace with a storage shed that matched my house.
Staff:	The variance is not necessary because of the physical surroundings, nor because of the size, shape, or topographical conditions of the property.
(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.	
Applicant:	True.
Staff:	This property is similar in nature to other similarly zoned properties.
(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:	True.
Staff:	The condition is not created by the LDR.
(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:	True—It's not visible except for a very small portion to my rear neighbor. It's a steel structure that would add value to the property.
Staff:	There will be little to no direct impact on adjacent properties.
(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.	
Applicant:	True.
Staff:	The variances are larger variances, NOT minimum.