

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.

<i>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</i>	
<i>Applicant:</i>	Yes. The requested variances are to allow a solid waste transfer facility that is accessory to the primary use of the property – which is a solid waste hauling operation.
<i>Staff:</i>	Yes. This is not a typical “solid waste transfer station”. This use is accessory and incidental to the primary use of the property.
<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>	
<i>Applicant:</i>	Yes.
<i>Staff:</i>	Yes. There is already some natural buffering and screening in place, some of the surrounding properties are deemed undevelopable, and the subject property is already setback hundreds of feet from active public roads.
<i>(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.</i>	
<i>Applicant:</i>	No.
<i>Staff:</i>	No. Some of the surrounding zoning patterns do not match their existing development pattern.
<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>	
<i>Applicant:</i>	Yes.
<i>Staff:</i>	Yes. The proposed use is not the typical scenario for which the LDR supplemental standards were intended to address.
<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>	
<i>Applicant:</i>	It will not --- All of the surrounding properties are also heavy industrial in nature.
<i>Staff:</i>	It will not --- as long as there are appropriate conditions of approval that limit the size and scale of the proposed use.
<i>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</i>	
<i>Applicant:</i>	Yes..
<i>Staff:</i>	The variances requested are deemed minimal.
<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>	
<i>Applicant:</i>	The proposed variances will allow an industrial accessory use that is consistent with the purpose and intent of the M-2 zoning district as described in the LDR, as well as the Industrial Activity Center character area designation of the Comprehensive Plan.
<i>Staff:</i>	The proposed variances are consistent with these.