
Section 931 Criteria for Granting Variances

A. Factors to Consider (Revised 02/05/19 - Ord. No. 19-008; 5/20/09 - Ord. 09-023)

In order to authorize any variance from the terms of these Land Development Regulations, except variances to Section 303 Communication Towers, the Land Use Hearing Officer shall consider the following factors:

1. The findings in the Land Development Director or his/her designee's staff report;
2. Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Granting this setback variance would meet the general intent and purpose of the code. The requested 4.75 ft rear setback would not infringe on the rear neighboring properties, because the area is a stormwater pond/lake. The requested left yard setback of 4.5 ft would not infringe on the neighboring commercial office areas, because the adjacent area is a parking lot/drive.

3. Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;

This variance is necessary to the operation of this business. This is the minimum size building addition in order to accommodate the on site operations. The existing building is limited by land space to allow this addition. The existing confines of the lake in the rear and parking area to the south conflict with required setbacks as shown in chapter 2.

4. Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;

The required setback conditions are not a result from the actions of the applicant. Setbacks at the time of the original construction differ from the setbacks today.

5. Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;

By not granting this rear and side yard setback variance will constitute an unnecessary hardship on the applicant. This is the minimum required to operate the existing business operations.

6. Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;

not granting this rear and side yard setback variance will constitute an unnecessary hardship on the applicant. This is the minimum required to operate the existing business operations.

7. Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;

n/a

8. Whether that in no case shall a variance be granted which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and

n/a

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9. Whether that the granting of the variance does not circumvent a condition of the intent of a condition placed on a development by the Planning Commission or the BoCC.

n/a