

# Digital Plans – Application Supplement

## Variance (VAR)

6 Standards of Variance Justification	Section 65.383 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Board of Zoning Adjustment (BZA) finds that all of the following standards are met. Please answer each bold-text question in a separate typed document and upload it with the rest of the required items.
Special Conditions and/or Circumstances	The applicant must prove that special conditions and/or 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 same zoning district. Zoning violations or non-conformities on neighboring properties <u>shall not</u> constitute grounds for approval of any proposed zoning variance. <b>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?</b>
Not Self-Created	The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A self-created hardship <u>shall not</u> justify a variance; i.e. when the applicant himself by his own conduct creates the hardship he alleges to exist, he is not entitled to relief. <b>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</b>
Minimum Possible Variance	The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. <b>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</b>
No Special Privilege Conferred	The applicant must prove that approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district. <b>WOULD APPROVAL OF THIS VARIANCE ALLOW YOU TO DO SOMETHING THAT OTHER PROPERTY OWNERS IN THE SAME SITUATION WOULD NOT BE ALLOWED TO DO?</b>
Deprivation of Rights	The applicant must prove that literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of the Chapter <u>shall not</u> constitute grounds for approval. <b>WOULD DENIAL OF THIS VARIANCE DEPRIVE YOU OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN SIMILAR SITUATIONS?</b>
Purpose and Intent	The applicant must prove that approval of the zoning variance will be in harmony with the purpose and intent of this chapter and such zoning variance will not be injurious to the neighborhood and otherwise detrimental to public welfare. <b>WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)</b>

# Design Variance (VAR)

10 Standards of Design Variance Justification	Section 65.386 of the Land Development Code (LDC) states that the Board of Zoning Adjustment (BZA) may use the following factors and characteristics when considering requests for variances from the architectural design standards of Chapter 62 or the standards for signage within the Traditional City as contained in Chapter 64. Please explain how the requested design variance will enhance and/or address the following ten factors. If a particular item does not apply to your requested design variance, please include an explanation stating how it does not apply.
Conformance to the Code and the GMP	Describe how the proposed design meets the intent of the Code and the Growth Management Plan (GMP).
Logic of Design	Explain the logic of the proposed design, and why the proposed design cannot meet the Code's design standards.
Exterior Space Utilization	Describe how the proposed design utilizes exterior space.
Attractiveness	Describe how the proposed design will provide an attractive alternative to the required design standards.
Materials Selection	Describe the proposed materials and how they were selected.
Compatibility with Surrounding Properties	Describe how the proposed design is compatible with the surrounding properties on the block face and in the neighborhood.
Circulation and Parking – Vehicular and Pedestrian	Does the proposed design consider vehicular and pedestrian circulation on the subject site? How is parking provided?
Accepted Architectural Principles	Describe how the proposed design adheres to accepted architectural principals.
Protection of Property Values	Would the proposed design protect or enhance the property values of the subject site and surrounding properties?
Revitalization of Depressed Areas	Does the proposal contribute to the revitalization of depressed areas?