



Legislation Text

File #: 18-0508, **Version:** 1

ZV 2018-02, Arby's @ Pembroke Commons, 300 - 710 N University Drive, variance request.
(Dean)

Project Summary:

Robert Ziegenfuss (as agent) is requesting three (3) variances for the proposed Arby's at Pembroke Commons (300-710 N University Drive). The variances requested are:

- ZV 2018-02: to allow 160 lineal feet of open space between outparcel buildings instead of the required minimum 300 lineal feet;

Variance Request Summary:

Application:

ZV 2018-02

Code Section:

155.149(1)(2)(b)2

Required / Allowed:

300 lineal feet between outparcel buildings

Request:

160 lineal feet between outparcel buildings

Variance Request Details:

ZV 2018-02) Allow 160 lineal feet of open space between outparcel buildings instead of the required minimum 300 lineal feet.

Code Reference: § 155.149 GENERAL BUSINESS (B-3) DISTRICTS

(1) Outparcels. (2) Standards. (b) Building coverage and distance. 2. There shall be a minimum of 300 lineal feet of open space between outparcels except on adjacent properties where there may be 300 lineal feet between buildings when separated by a roadway of sorts.

Variance Determination:

The Planning and Zoning Board shall not grant any variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

- A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.