



## Legislation Text

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**File #:** 18-0510, **Version:** 1

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**ZV 2018-04, 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 2018-04: to allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

### **Variance Request Summary:**

#### **Application:**

ZV 2018-04

#### **Code Section:**

155.149(1)(2)(a)

#### **Required / Allowed:**

500 lineal feet of street frontage per outparcel

#### **Request:**

293.75 lineal feet of street frontage per outparcel

### **Variance Request Details:**

**ZV 2018-04)** Allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

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

(1) Outparcels. (2) Standards. (a) Number of outparcels. The number of outparcels permitted on any commercial or office tract shall be no more than one outparcel for every ten acres of total site area. Likewise, there shall be no less than 500 lineal feet of street frontage per outparcel

### **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.