

## DETERMINATIONS

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances, as outlined below, have been satisfied:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are special circumstances that exist which are peculiar to the lot that are not applicable to other lots in the same district. The surrounding properties are zoned for heavier traffic use and are allowed to have larger signs, which are easier to see on a road with 6 driving lanes and a posted speed limit of 35 mph. This parcel, because of zoning, is not allowed a large enough sign to be easily seen on a road with the above mentioned conditions.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

The Board of Adjustment has granted four similar sign variances in a subdivision across the street. Other businesses in the area that have much heavier traffic and ease of access have requested and received variances for larger signs. This property owner is requesting the same privilege.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

Granting this variance will not confer on the applicant a special privilege because the Board of Adjustment has granted sign variances to other land owners in the same area with requests for much larger heights and square footages than this applicant is requesting. However, the zoning of this property is different than the zoning of many of the other properties in the area which creates a difference in sign size allowances.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

Granting this variance will meet the general purposes and intent of the zoning regulations and the Growth Policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff is recommending 6 conditions for the variance request:

1. The variance is for a maximum sign height of 16 feet, sign width of 10 feet, and sign area of 90 square feet per side. No other variance is intended or implied by this approval.
2. The variance applies to Lots 1-5 & Lots 10-12, Block 1 of Justiss Subdivision.
3. The proposed building will be located and oriented in substantial conformance with the submitted site plan. Minor adjustments to the site plan are allowed.

4. The applicant will apply for a sign permit within one 1 year of the Board of Adjustment approval of the variance.
  5. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
  6. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
- 6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**  
Staff is recommending the applicant/agent have 1 year to submit a sign permit application.
- 7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.**  
The granting of this variance would not allow a use that is not allowed in the zoning district. Signs are allowed in this zoning district.