

Standards for Variations

Requested Variances:

- A. Variance for a reduction in the required setback along State Street from 30' to 8'6"; and
- B. Variance for an increase in lot coverage from 70% to 74.3%.

1. Reasonable Return: The property in question cannot yield a reasonable return if to be permitted to be used only under the regulations of district in which it is located.

Response for Variance A: The applicant is seeking approval of variances associated with a parking lot expansion for the existing Malone Funeral Home and such variances needed to bring the existing improvements into compliance. The reduction in the required setback along State Street will permit the expansion of the parking lot. The expansion in the parking does not increase the operational capacity of the funeral home, but simply better accommodates the existing service. Consequently, the proposed development will provide little return and the investment would not be reasonable without being able to expand into the setback area. None of the improvements proposed in the setback area are of a nature that would diminish visibility or otherwise negatively impact the use of the State Street right of way or adjacent property owners. In addition, similar encroachments into the setback are found along State Street, including more intrusive structures. Exacerbating the limitations of the property is Comprehensive Plan's desire to eliminate the curb cuts on the westernmost parcel.

Response for Variance B: The applicant is seeking approval of variances associated with a parking lot expansion for the existing Malone Funeral Home and such variances needed to bring the existing improvements into compliance. The expansion in the parking does not increase the operational capacity of the funeral home, but simply better accommodates the existing service. Consequently, the proposed development will provide little return and the investment would not be reasonable without being able to increase the parking to an appropriate level. The existing site is being maintained with the same amount of impervious area. In order to provide the required drive aisle widths and parking stall dimensions, and integration into the existing improvements, the minor increase in the lot coverage is requested.

2. Unique Hardship or Practical Difficulty: The shape, topography or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.

Response for Variance A: The practical difficulty and hardship stems from much of the property being already developed, proximity to State Street, and the lot configuration. Consequently, the development of the site must work around the existing improvements and the lot depth. These conditions, along with the Comprehensive Plan's desire to close access onto State Street, create unique hardship and difficulty that would severely limit its value and development should the full setback be required. Other properties along State Street have similar encroachments.

Response for Variance B: The practical difficulty and hardship stems from much of the property being already developed, the lot configuration, and need for the new parking improvements to meet the required drive aisle widths and parking stall dimensions and integrate into the existing improvements.

3. Character of the Area: The applicant must show that the variation requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire;

will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare. (Ord. 95-28, 5-1-1995)

Response for Variance A: The requested setback variation will not be detrimental to the public welfare or any area properties. In fact, the variation will enhance the area. The variation will permit an increase in the amount of on-site parking. This will reduce the need for parking on public streets. Traffic will be improved by eliminating curb cuts onto State Street and reducing trips by converting a lot that housed a business into the low intensity use of parking. Adjacent property owners will not face any detrimental impacts. The elimination of the prior structure on the western most lot increased the amount of air and light. The parking area will also be sufficiently buffered with generous landscaping in accordance with the submitted plans. Flood and fire dangers will be decreased with the conversion of the westernmost lot to parking. No increase in the use of public utilities or facilities is proposed. As a result of all the above, no negative impact to the public health, safety, or welfare will result.

Response for Variance B: The requested lot coverage variation will not be detrimental to the public welfare or any area properties. In fact, the minor variation will enhance the area. The variation will permit an increase in the amount of on-site parking. This will reduce the need for parking on public streets. Traffic will be improved by eliminating curb cuts onto State Street and reducing trips by converting a lot that housed a business into the low intensity use of parking. Adjacent property owners will not face any detrimental impacts. Additional buffer landscaping is being placed along the property line with adjacent parcels.

4. Minimum Variation: Any variation considered by the Planning and Zoning Commission shall be considered the minimum variation necessary for the reasonable use of the land. (Ord. 95-79, 12-18-1995)

Response for Variance A: The applicant has work diligently with their consultants and the City to modify their plans to conform to the City's regulations. The revised and submitted plans constitute the setback variation needed for the project.

Response for Variance B: The applicant has work diligently with their consultants and the City to modify their plans to conform to the City's regulations. The revised and submitted plans constitute the minimum lot coverage variation needed for the project.