

METROPOLITAN BOARD OF ZONING APPEALS, DIVISION _____.

PETITION FOR VARIANCE OF USE

NEGATIVE FINDINGS OF FACT

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS OR GENERAL WELFARE OF THE COMMUNITY. The use of the site to provide for automobile sales would be too intense for the subject site and out of character with surrounding properties.

2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT AFFECT THE USE AND VALUE OF ADJACENT PROPERTIES IN A SUBSTANTIALLY ADVERSE MANNER. The use of the site to provide for automobile sales would be too intense for the subject site and out of character with surrounding properties.

3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE NEED FOR A VARIANCE ARISES FROM A CONDITION PECULIAR TO THE PROPERTY. There is no peculiar condition with the subject site that would prevent it from being developed as a permitted commercial use.

4. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT. The property could be developed as a permitted commercial use.

5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN. The construction of a building to be used for automobile sales would exceed the area plan recommendation for Community Commercial Uses creating a more intense use for the subject site.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE OF USE petition is DENIED.

Adopted this day of , 20____.
