
Variance Requirement Regarding Hardship

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.
The layout of the existing buildings on existing lots 1 and 2 preclude the possibility of moving or rebuilding the structure at 1959 to current setbacks and still be able to park it. With a fire lane, there would be no room left for parking and vice-versa.
2. Literal enforcement of the ordinance would be an unnecessary hardship.
After a change of use, the building no longer sits within the setbacks. Demolition of the structure and rebuilding of the structure would not allow sufficient parking and may hamper fire access.
3. The piece of property is unique and contains properties or attributes not common to other similarly situated properties.
The existing structure that was built prior to the Commercial Corridor zoning is viable with the proposed change of use. It is the only gas/convenience store in the immediate area that was built prior to the CC zoning. The increase in traffic would be negligible.
4. The need for the variance was not created by the applicant.
The building was constructed prior to the lot being zoned Commercial Corridor.
5. The structure is a nonconforming structure.
Commercial Corridor requirements did not apply to the building when it was constructed. The exterior will be re-faced to bring up to 100% masonry appearance.
6. The financial cost is greater than 50 percent of the appraised value of the structure.
Current CAD appraisal of the property is \$360,677 and of the structure is \$29,323. Construction of a new shell only within CC setback is approximately \$175/sf or just over \$1M.
7. The loss to the lot is at least 25 percent of the area on which development may physically occur.
Building area is currently approximately 6,000 sf. Building area within new setbacks would be approximately at or under 4,500 sf.
8. The structure is not in compliance with a requirement of a municipal ordinance, building code, or other requirement.
Due to the building being constructed prior to CC zoning coming in, this building is nonconforming.