

7.5.802: NONUSE VARIANCES:

D. Additional Criteria And Guidelines For Regulations Of Vehicle Parking And Storage 2 :

1. Criteria: In addition to the criteria listed in subsection B of this section, nonuse variances to the regulations regarding vehicle parking and storage listed in this Zoning Code must also meet the following criteria:

a. The proposed location of the vehicle will not create a pedestrian or vehicular safety problem.

b. The granting of the variance will not have an adverse impact upon the surrounding properties or neighborhood.

2. Guidelines For Review Of Variances: As a guide to applying the criteria listed in this subsection, when applicable, the fact finder may, but is not required to, consider any or all of the following circumstances which have been established by the evidence in determining whether the applicable criteria have been met:

a. Pedestrian Or Vehicular Safety: The following traffic related factors shall be considered:

- (1) The speed limit.
- (2) Vehicular traffic volume.
- (3) Pedestrian traffic volume.
- (4) Sight distance.
- (5) Physical design characteristics of the sidewalk and street.

b. No Adverse Impact:

(1) The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character.

(2) The granting of a variance shall not be inconsistent with any plans adopted by the City.

(3) The granting of the variance shall not weaken the general purpose of this zoning ordinance or its regulations.

(4) The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.

(5) Visual barriers may be existing on site, or proposed by the applicant, such as vegetation, opaque walls or fencing which have a positive effect toward screening of the vehicle.