

October 23, 2024

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

SUMMARY OF REQUEST

The applicant currently has a 21,680 SF warehouse and manufacturing facility developed over 40 years ago. The industry changes due to supply chain, first-in-first out delivery concept and effects of covid 19 have impacted the facility to the extent that new machinery is necessary for the business to stay relevant. The purchase of new modern manufacturing machinery is more automated and larger than what currently exists. Thus the owners are proposing a 9,937 SF expansion in the rear of the existing facility.

a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;

Yes: When the site was developed in 1986, the setbacks for the General Industrial (I-I) district were different. Ordinance 2012-64 adopted September 11, 2012 changed the setbacks to a greater extent negating the proposed layout for the planned expansion because the rear setback is now 30 feet. At the time of development, the building size was adequate, however, 40 years later, the building lacks modern amenities and needs new modern machinery that keeps the business relevant. The modern term “on time delivery” and the effect of the pandemic in 2020 have caused havoc to supply chain in the manufacturing industry and the owners are attempting to modernize and upgrade their machinery which needs more room to function. The placement of the original structure greatly impacts the proposed expansion due to the placement in the center of the site creating unusable space in the rear. According to the city regulations, a 30 foot rear setback is required, however that would prohibit any reasonable expansion.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Yes: The original 21,680 sf structure includes a science lab and manufacturing facility constructed in 1986 in the center of the lot. The placement of the building leaves a lot of open space in the rear and a 30’ setback requirement does not allow for sufficient expansion. New machinery installation delivery and changes in the manufacturing process mandates new equipment which is larger, thus the expanded floor area of 9,930 sf to modernize the manufacturing capability is necessary. Replacing outdated and inefficient machinery is an extraordinary condition in the manufacturing industry.

c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;

Yes: Due to the placement of the original structure, having an equal amount of space both the front and rear, and the majority of the parking in the front, there is little room for expansion because of the 30 foot rear setback. Others in the same business park have reduced setbacks.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Yes: The neighboring site on the north has a 10 foot rear setback as do many of the surrounding warehouses, thus no special privilege would be conferred to the landowner. The request for an 18 foot rear setback is almost double to what currently exists on adjacent lots.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Yes: The request for the rear setback of 18 feet encroachment is the minimum necessary to bring the facility up to modern standards.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Yes: The request is in harmony with the general spirit of the code and Comprehensive Plan which encourages redevelopment of aging and outdated properties thru innovation design.

g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and

Yes: The variance will not adversely affect the health or safety of the employees or the overall neighborhood, nor be injurious or detrimental to the area because the site will be modified and updated to meet modern building standards similar to the surrounding facilities.

h. The Variance is consistent with the comprehensive plan.

Yes: The proposed variance is in compliance with the Comprehensive Plan Objective 01.23.00 which states, "Economic Development Expand the economic based by attracting Class A office space and higher education institutional uses, continuing to support the industrial and manufacturing sectors, including educational, scientific and industrial research facilities, research laboratories, and medical or dental laboratories.