

Chapter 86. Zoning

ARTICLE II. Administration and Enforcement

DIVISION 7. Variances

§ 86-221. Review criteria.

[Code 1974, § 81-3.5(F); Ord. No. 2007-12, 10-28-2007]

In the review of an application for a variance, the Zoning Board of Appeals should determine if the following criteria are satisfied:

1. Unique circumstances exist that are peculiar to the land or structure, that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this chapter.