

Zoning Board of Appeals Standards for Variances

The Board of Appeals may grant a dimension Variance from the provisions or requirements of this Ordinance, only if the Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist:

1. For a dimension Variance, the Board of Appeals must find that all of the following facts and conditions exist:
 - a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 - b. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a Variance.
 - c. The Variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
 - d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 - e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
 - f. The enforcement of the literal requirements of this Ordinance would involve practical difficulties.