

CHAPTER 7

ADMINISTRATION – VARIANCES

SECTION:

- 01-7-1: Purpose
- 01-7-2: Procedures
- 01-7-3: Board of Adjustments and Appeals
- 01-7-4: Criteria

01-7-1: PURPOSE: The purpose of this chapter is to provide for deviations from the literal provisions of this Article in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Article.

01-7-2: PROCEDURES: An application for variance from the provisions of this Article requires a public hearing and is to be processed in accordance with the procedures set forth in Section 01-3-3 of this Article.

01-7-3: BOARD OF ADJUSTMENTS AND APPEALS: The City Council shall act as the Board of Adjustments and Appeals.

01-7-4: CRITERIA: The Board of Adjustment shall not approve any variance request unless they find failure to grant the variance will result in undue hardship on the applicant, and, as may be applicable, all of the following criteria have been met:

- A. That because of the particular physical surroundings, shape, or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- B. That the conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
- C. That the purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

- D. That the alleged difficulty or hardship is caused by this Article and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.
- E. That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.
- G. That the requested variance is the minimum action required to eliminate the hardship.
- H. Does not involve a use that is not allowed within the respective zoning district.