

Amendment #1 Variances

9.02.03 Requirements for Variances

A **variance** may be granted upon a finding by the ZBA that ~~two~~ ~~one~~ of the following conditions ~~have~~ ~~has~~ been met. If the variance involves a nonconforming lot, structure, use, and/or sign then one of the two conditions must include conditions K, L, or M.:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning **district** in which the property is located;
- F. Granting the **variance** requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning **district** in which the applicant's property is located;
- G. The requested **variance** will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;
- H. The special circumstances are not the result of the actions of the applicant;
- I. The **variance** requested is the minimum **variance** that will make possible the legal **use** of the land or **structure**;
- J. The **variance** is not a request to **permit** a **use** of land or **structures** which are not permitted by right in the zoning **district** involved;
- K. The extension of said nonconforming **use** will not further injure a permitted **use** on the subject property or on adjacent property;
- L. The design, **construction**, and character of the nonconformance is not suitable for **uses** permitted in a **district** in which the nonconformance is situated; and
- M. The nonconforming **use** is similar to the prior nonconforming **use**.

9.02.05 Procedures for Variances

A. Applications

1. An application for a **variance** shall include the information required for all applications, as set forth in Chapter 10.
2. An application for a **variance** shall include the following written explanation: the purpose of the regulation involved with the proposed **variance**, how the enforcement of the regulation is either incorrect, unfair, or unjust, and a