

SECTION 14.04 VARIANCE REQUESTS AND PROCEDURES
(08-07 Eff. July 20, 2008)

- C. Filing Procedures. A written application for a non-use variance must be submitted to the zoning official and accompanied by a fee. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant provides evidence of practical difficulty in the official record of the hearing and demonstrates that all of the following conditions are met:
1. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 - (a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Article or amendment.
 - (b) By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.
 - (c) By reason of the use or development of the property immediately adjoining the property in question.
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility that compliance with this Ordinance may prove to be more expensive or otherwise inconvenient shall not be part of the consideration of the Zoning Board of Appeals.
 3. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
 4. The variance will not materially impair the intent and purpose of this Ordinance or the provision from which the variance is requested.
 5. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.