

VARIANCES

A. DIMENSIONAL VARIANCES

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific dimensional variances from such ordinance requirements such as yard requirements, setback lines, lot coverage, frontage requirements and density regulations

To obtain a dimensional variance, the applicant must show practical difficulty by demonstrating that:

- (a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
- (b) A dimensional variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
- (c) The plight of the owner is due to unique circumstances of the property; and
- (d) The problem was not self-created.

BASIS OF DETERMINATION FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals must ensure that any dimensional variance granted from the ordinance:

1. Will not be contrary with the intent and purpose of the zoning ordinance;
2. Will not cause a substantially adverse effect upon adjacent properties;
3. Will relate only to the property under control of the applicant;
4. Will not essentially alter the character of the surrounding;
5. Will not increase the hazard from fire, flood or similar dangers;
6. Will not increase traffic congestion; and;
7. The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zoning district.

B. USE VARIANCES

A use variance should only be granted by the Zoning Board of Appeals under those exceptional circumstances where the current zoning district is clearly unreasonable as applied to a specific parcel, because it does not permit the property owner any **REASONABLE USE OF THE LAND**. **A USE VARIANCE REQUIRES A CONCURRING VOTE OF 2/3 OF THE FULL** membership of the Zoning Board of Appeals.

In order to obtain approval for a use variance, the applicant must demonstrate an unnecessary hardship exists that can only be resolved by grant of a use variance.