

Section 719.161 – Variances

A. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official hearing record that the strict enforcement of this Chapter would result in practical difficulty. To establish practical difficulty, the applicant must establish all the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not generally apply to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant and other property owners in the district or granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
4. The need for the requested variance is not the result of the action of the property owner or previous property owners (self-created).
5. The requested variance will not adversely impact surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.