

## 632 VARIANCES

Where there are practical difficulties regarding area regulations or unnecessary hardship concerning a particular use in the carrying out the strict letter of the Zoning Resolution, the Board of Zoning Appeals shall have the power to vary, modify or accept any of the provisions of this Zoning Resolution relating to the construction, structural changes in equipment or alteration of buildings or structures so that the spirit of this Zoning Resolution shall be observed, public safety secured and maintained and substantial justice done. In every instance granting a variance by the Board of Zoning Appeals there must be shown that:

- A. A strict application of the provisions of the Zoning Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
- B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.
- D. Specifically, the standards the Board of Zoning Appeals will apply to an application for an area variance, i.e., seeking relief from the strict letter of area, height, setback and other similar requirements contained in the Resolution, to determine whether there are practical difficulties are as follows:
  1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  2. Whether the variance is substantial;
  3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse disposal, etc.);
  5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
  6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- E. In the event that the applicant is seeking a use variance, i.e., a variance from the Resolution so as to allow a use not authorized by the Resolution in that zoning district applicable to the property involved, the Board of Zoning Appeals shall determine whether the applicant will suffer an unnecessary hardship relative to the applicable regulation set forth in the Resolution.