

VARIANCE APPROVAL STANDARDS

City Code Article 32, § 5-308

QUESTION 1: Are the conditions on which the application is based **unique** to the property for which the variance is sought and not generally applicable to other property within the same zoning classification?

QUESTION 2: Because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, would there be **an unnecessary hardship or practical difficulty** (as distinguished from a mere inconvenience) if the strict letter of the applicable requirement were carried out?

Unnecessary hardship: Applicant is unable to secure a reasonable return or make any reasonable use of his property.

Practical difficulty:

Compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted purpose or it would render conformity with such restrictions unnecessarily burdensome.

A grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district. (Or would a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners?)

QUESTION 3: Is the unnecessary hardship or practical difficulty **caused by this Code**? Or has it been created by the intentional action or inaction of any person who has a present interest in the property?

QUESTION 4: Is the purpose of the variance based **exclusively** on a **desire to increase the value or income potential** of the property?

QUESTION 5: Will the variance be **injurious to the use and enjoyment of other property** in the immediate vicinity or substantially diminish and impair property values in the neighborhood?

QUESTION 6: Is the variance **in harmony** with:

the purpose and intent of the City Code?

any Urban Renewal Plan

the City's Comprehensive Master Plan

Historical and Architectural Preservation Districts?

QUESTION 7: Will the variance otherwise be **detrimental to or endanger the public health, safety, or welfare**; or be in any way contrary to the public interest?