

SECTION 18.10 VARIANCES PERMITTED
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Zoning Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- (a) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which would without undue hardship, be included as part of the lot.
- (b) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (c) Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

SECTION 18.11 VARIANCES PROHIBITED
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located. No variance in the provisions or requirements of this Ordinance shall be affected by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance will not be of evidence that such variance will not be of substantial detriment to the adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety and welfare and, further, that at least two of the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or
- (c) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

SECTION 18.12 SPECIAL CONDITIONS
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

In considering any applications, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Zoning Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this ordinance as provided in Section 18.08.