

## CHAPTER 8

### ADMINISTRATION - VARIANCES

#### SECTION:

- 10-8-1: Purpose
- 10-8-2: Procedures
- 10-8-3: Board of Adjustment and Appeals
- 10-8-4: Criteria
- 10-8-5: Conditions

**10-8-1: PURPOSE:** The purpose of a variance is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance. (Ord 185, SS, 6-23-13)

**10-8-2: PROCEDURES:** An application for variance from the provisions of this Ordinance requires a public hearing and is to be processed in accordance with the procedures set forth in Section 10-3-3 of this Ordinance.

**10-8-3: BOARD OF ADJUSTMENT AND APPEALS:** The City Council shall act as the Board of Adjustment and Appeals.

**10-8-4: CRITERIA:** The Board of Adjustment and Appeals shall not approve any variance request unless they find all of the following criteria have been met: (Ord 185, SS, 6-23-13)

- A. A variance shall only be granted when it is in harmony with the general purposes and intent of the ordinance.
- B. A variance shall only be granted when it is consistent with the comprehensive plan.
- C. A variance may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute a practical difficulty. In order for a practical difficulty to be established, all of the following criteria shall be met:

1. The property owner proposes to use the property in a reasonable manner. In determining if the property owner proposes to use the property in a reasonable manner, the board shall consider, among other factors, whether the variance requested is the minimum variance which would alleviate the practical difficulty and whether the variance confers upon the applicant any special privileges that are denied to the owners of other lands, structures, or buildings in the same district.
  2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  3. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
- D. The variance does not involve a use that is not allowed within the respective zoning district.

**10-8-5: CONDITIONS.** The Board of Adjustment and Appeals shall in granting any variance under the provisions of this Section designate any conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the variance is granted, as to light, air, and the public health, safety, comfort, convenience, and general welfare. (Ord 185, SS, 6-23-13)