

## VARIANCE GUIDELINES

The following is a list of questions which are being utilized in recommendations for variance requests which are to be reviewed and acted upon by the Board of Adjustment.

	YES	NO
1. Is the alleged "hardship" caused by the restrictions of the ordinance?	___	___
2. Is the alleged "hardship" unique to the parcel of land for which the variance is being sought, rather than a general condition within the area, neighborhood or zone?	___	___
3. Is the proposed change in harmony with the spirit and intent of the ordinance?	___	___
4. Would the proposed use alter the essential character of the locality?	___	___
5. Would the proposed use be contrary to the public interest?	___	___
6. Is the alleged "hardship" created by either the applicant or by a predecessor in title?	___	___
7. Is the requested variance based upon reason of demonstrable and exceptional hardship as distinguished from purposes of convenience, profit or caprice?	___	___
8. Would substantial justice be accomplished by granting the variance?	___	___

To warrant granting of a variance, questions one, two, three, seven and eight (1, 2, 3, 7, and 8) should be answered in the affirmative and questions four through six (4-6) in the negative. If they cannot be so answered, a serious doubt exists whether the variance, if granted, would be upheld, if tested, since the eight questions are essential in determining whether or not the statutory requirements have been met.

It is not sufficient to simply find that the property owner or applicant has suffered a hardship which is caused by the restrictions of the ordinance, or has experienced a practical difficulty in complying with the restrictions of the ordinance. All eight of the questions listed above must be satisfactorily answered in order to justify a positive recommendation to the Board of Adjustment.