



Hardship Criteria

In accordance with Code Section 153.237, the Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- 1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;
- 2) That a literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance;
- 3) That the special conditions and circumstances do not result from the action of the applicant;
- 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands or structures in the same zoning district; and
- 5) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.