

### 18.1.146 - Zoning variance conditions.

A variance from the strict application of any zone district requirement may be granted by the Commission, except that no use shall be allowed in any zone district in which it is not listed as a permitted use or special review use, and no single-family dwelling shall be permitted that does not meet the minimum structural width and area requirements in that zone. The Commission may grant a variance, provided that it shall find:

- (1) That the proposed variance is without substantial detriment to the public good and does not impair the intent or purposes of this Code or the Comprehensive Plan, including the specific regulation in question;
- (2) That there exists on the subject property exceptional topography, shape or other extraordinary or exceptional situation, or a condition peculiar to the site, existing buildings or lot configuration, such that strict application of the zone district requirement from which the variance is requested would result in exceptional practical difficulties to or undue hardship upon the owner of the subject property;
- (3) That such exceptional situation or condition, pursuant to this Section, was not induced by any action of the applicant and is not a general condition throughout the zone district;
- (4) That the hardship or the exceptional practical difficulty pursuant to this Section cannot practically be corrected by a means other than a variance; and
- (5) That the variance granted is the minimum necessary to alleviate the hardship or the exceptional practical difficulty.

(Ord. 1 §1, 2006)