

CHECKLIST FOR VARIANCES

First Test

Yes No

_____ _____ Property can yield a reasonable return if used in compliance with the zoning ordinance. (Failure to yield a reasonable return is not proved by showing that the property could produce a greater return with a variance.)

_____ _____ The hardship arises from the characteristics of the land. (The factors are confined to the specific parcel and the hardship would exist for any owner.)

_____ _____ The hardship was not created by any action of the owner.

If the request passes the first test, the owner must then show the following:

Second Test

Yes No

_____ _____ The conditions apply to only a specific property. (Not to conditions that are shared by other properties in the area.)

If the condition claimed to be a hardship is also present on other properties the proper approach is not to approve a variance, but to find a general solution such as rezoning the area or making a change in the provisions of the zoning ordinance.

If the request passes the second test, the board should then consider the following:

Third Test

Yes No

_____ _____ Granting the variance will not adversely affect the character of the neighborhood.

_____ _____ Granting the variance will not violate the spirit or intent of the zoning ordinance.

_____ _____ Granting the variance will not be contrary to the public interest.

The variance approved by the board should grant the absolute minimum amount of relief.