Sec. 98-198. - Applications for variances.

In cases where the literal interpretation of the height, area, setback or yard requirements of the zoning ordinance would result in an unnecessary hardship, and where such hardship is not created by the action or desire of the owner, the zoning board of adjustment may grant such variance as they deem necessary to remove the hardship. Variances are only allowable to permit the modification of height, area, setback or yard requirements. In order to establish such hardship the applicant must show, and the board of adjustment must hand down written findings that:

(1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions or location that do not apply generally to other property in the same zoning district and that such circumstances or conditions are such that the strict application of the height, area, setback or yard requirements in this chapter would deprive the applicant of the reasonable use of such land;

(2) That granting of the variance on the property would not adversely affect any feature of the comprehensive plan of the city;

(3) That, the variance, if granted, will be of no material detriment to the public welfare or cause injury to the use, enjoyment or value of property in the vicinity; and

(4) That the variance to be granted is the minimum variance necessary to relieve the hardship.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.07)), 3-17-98)