

Section X -- ADMINISTRATION & ENFORCEMENT

4. Variances

No variance of the strict application of any provision of these Regulations shall be granted by the Board unless it finds all of the following:

- a. That there are special circumstances or conditions applying to the land or building for which the variance is sought which:
 - are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood or in the zoning district at large,
 - have not resulted from any act, of the applicant or anyone in privity with the applicant, subsequent to the adoption of these Regulations whether in violation of these provisions or not, and
 - preclude the use of the property for that which it is reasonably adapted.
- b. That the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the provisions of the Regulations would result in:
 - exceptional difficulty,
 - unusual hardship, or
 - deprive the applicant of the reasonable use of the land.
- c. That the difficulty or hardship complained of:
 - is caused by the restrictions contained in the Regulations,
 - was not created by the applicant, and
 - is not primarily financial in nature.
- d. The use applied for is not impliedly or expressly prohibited by the Zoning Regulation.
- e. That the granting of the variance:
 - is necessary for the reasonable use of the land or buildings,
 - is the minimum variance that will accomplish this purpose,
 - will be in harmony with the purposes and intent of these Regulations,
 - will accomplish substantial justice,
 - will not be injurious to the neighborhood, and
 - will not be otherwise detrimental to the public health, safety, and welfare.

5. Limitations

- a. The Zoning Board of Appeals may not permit any multi-family use or development by way of variance in any zoning district.
- b. A variance shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- c. If a variance in a flood plain is granted, the Board shall notify the applicant in writing over their signature that:
 - the issuance of such variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance, and
 - construction below the base flood level increases risk to property and life.
- d. The Board of Appeals will maintain a record of all such flood plain variance actions, including justification for their issuance and report such variances issues in the annual report submitted to the Federal Emergency Management Agency.