

**Section 20.24. Land use variance; unnecessary hardship standard.**

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following criteria to establish an unnecessary hardship:

1. *Property cannot be used as zoned.* The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or the ordinance as it applies to the property is unreasonable and arbitrary; or confiscatory.
2. *Not self imposed.* The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.
3. *Property unique.* The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.
4. *Not a detriment.* Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.
5. *Necessary.* The land use variance is necessary for the preservation and enjoyment of the property.