

§606. VARIANCES

Variances:

1. The *Zoning Hearing Board* shall authorize upon appeal in specific cases such variance from the provisions of this *Ordinance* as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this *Ordinance* would result in unnecessary hardship. A *variance* from the terms of this *Ordinance* shall not be granted by the *Zoning Hearing Board* unless and until:
 - A. a written application for the *variance* is submitted demonstrating:
 - (1) that special conditions and circumstances exist which are peculiar to the land, *structure*, or *building* involved and which are not applicable to the other lands, *structures* or *buildings* in the same district;
 - (2) that literal interpretation of the provisions of this *Ordinance* would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this *Ordinance*;
 - (3) that special conditions and circumstances do not result from the actions of the applicant;
 - (4) that granting the *variance* requested will not confer on the applicant any special privilege that is denied by this *Ordinance* to other lands, *structures* or *buildings* in the same district;
 - (5) no *non-conforming use* of neighboring lands, *structures* or *buildings* in the same district, and no permitted *use* of lands, *structures* or *buildings* in other districts should be considered grounds for the issuance of a *variance*; and
 - (6) all materials must be submitted to the *Zoning Officer* thirty (30) days prior to the *public hearing* date.

- B. the required fees are paid;
 - C. *public notice* by advertising shall be given at least two (2) weeks in advance of *public hearing*. The owner of the property for which the *variance* is sought or his agent shall be notified by mail;
 - D. the *public hearing* shall be held. Any party may appear in *person*, or by agent or by attorney;
 - E. the *Zoning Hearing Board* shall make findings that the requirements of Section 606. "Variances".1.A have been met by the applicant for the *variance*;
 - F. the *Zoning Hearing Board* shall further make a finding that the reasons set forth in the application justify the granting of the *variance*, and that the *variance* is the minimum *variance* that will make possible the reasonable *use* of the land, *building* or *structure*; and
 - G. the *Zoning Hearing Board* shall further make a finding that the granting of the *variance* will be in harmony with the general purpose and intent of this *Ordinance*, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
2. In granting any *variance*, the *Zoning Hearing Board* may prescribe appropriate conditions and safeguards in conformity with this *Ordinance*. Violation of such conditions and such safeguards, when made a part of the terms under which the *variance* is granted, shall be deemed a violation of this *Ordinance* and punishable under Section 611.
3. Under no circumstances shall the *Zoning Hearing Board* grant a *variance* to allow a *use* not permissible under the terms of this *Ordinance* in the district involved, or any *use* expressly or by implication prohibited by the terms of this *Ordinance* in said district.