

1.13.3 Decision Criteria

- A. The Commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance application or find that the variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:
1. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; **Confirmed. Owner will likely experience a hardship when they sell the property in the future, as she did when purchasing. Which is why we are seeking this variance.**
 2. The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity; **Correct..**
 3. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application; **Correct.**
 4. The alleged hardship has not been created by any person presently having an interest in the property or, if it was, it was created as a result of a bona fide error; **Correct.**
 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; **Correct.**
 6. The variance granted is the minimum variance that will make possible the reasonable use of the property; and **Correct.**
 7. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted. **See above A1.**