

## 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 lot was formed with a slight misalignment during construction, resulting in an encroachment of less than four inches into the side setback. Enforcing strict compliance would require significant structural changes for an immaterial deviation, creating an undue hardship beyond a mere inconvenience.*
  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.
  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.
  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.
  5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.
  6. The variance granted is the minimum variance that will make possible the reasonable use of the property; and
  7. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.