

7.5.802.B: NONUSE VARIANCES:

B. Criteria For Granting: The following criteria must be met in order for any nonuse variance to be granted:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and
3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Nonuse variances to the parking and storage regulations (article 4, part 2 of this chapter) and to the sexually oriented business separation requirements (part 13 of this article) are subject to additional criteria set forth in subsections C and D of this section.