



AGENDA
BOARD OF ADJUSTMENTS & APPEALS
Regular Session
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ 86322
TUESDAY, June 9, 2020 3:00 PM
COUNCIL CHAMBERS STE. 106

Posted:
Date: 6/2/2020

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.
 - a. **Approval of Minutes: March 10, 2020**
 - b. **Set Next Meeting, Date, and Time**
As Needed
5. **Call to the Public for items not on the Agenda**
Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for Consideration at a future date.
6. **Public Hearing, Discussion, and Possible Approval of an application submitted by Hunter and Barbara Stuart.** The applicant is requesting a variance from the front setback requirements. The proposed variance is located at 4261 E. Canyon Drive, on APN 404-12-155, which is a .25 acre parcel, in Camp Verde, Yavapai County, Arizona.
7. **Board Informational Reports:**
Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.
8. **Staff Comments**
9. **Adjournment**

Please note: Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with Staff prior to a meeting for copies of supporting documentation that may have been unavailable at the time agenda packets were prepared.

The Town of Camp Verde Council Chambers is accessible to the Handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



DRAFT MINUTES
BOARD OF ADJUSTMENTS & APPEALS
REGULAR SESSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ 86322
TUESDAY, MARCH 10, 2020 3:00 PM
COUNCIL CHAMBERS STE. 106

1. Call to Order

Vice Chairman Stevens called the meeting to order at 3:00 p.m.

2. Roll Call

Vice Chairman Doug Stevens and Board Members B. J. Davis and Greg Blue were present; there are two vacancies on the Board. Also present was Community Development Director Melinda Lee.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Vice Chairman Stevens.

4. Consent Agenda

Motion was made by Board Member Blue to approve the Consent Agenda; Board Member Davis seconded. **Motion carried unanimously** with Vice Chairman Stevens and Board Members Blue and Davis approving.

5. Call to the Public for items not on the Agenda

None.

6. Election of Officer: Chairman

Motion was made by Board Member Blue to appoint Doug Stevens as Chairman; Board Member Davis seconded. **Motion carried unanimously** with Vice Chairman Stevens and Board Members Blue and Davis approving.

7. Election of Officer: Vice Chairman

Motion was made by Board Member Blue to appoint B. J. Davis as Vice Chairman; Chairman Stevens seconded. **Motion carried unanimously** with Chairman Stevens and Board Members Blue and Davis approving.

8. Board Informational Reports

None.

9. Staff Comments

Ms. Lee reminded the Board that the Town Council recently approved the reduction of members to five; with that, and the two vacant positions, all three members need to be in attendance to conduct any business. One application has been received for a position, but the status of that request is unknown at this time.

It was noted that there has been discussion about allowing members of other boards or commissions to serve; Ms. Lee indicated that even though there is not any policy that prevents this, it is being discouraged at this time due to recent concerns with this. The

Board Members agreed that this makes it difficult to fill vacant positions when there are willing volunteers from other boards/commissions.

10. Adjournment

Motion was made by Board Member Blue to adjourn; Board Member Davis seconded. **Motion carried unanimously** with Chairman Stevens, Vice Chairman Davis, and Board Member Blue approving. Meeting was adjourned at 3:05 pm.

Doug Stevens, Chairman, BOA

Date

Melinda Lee, Community Development Director

Date

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 10th day of March, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this ____ day of _____, 2020.

Melinda Lee, Community Development Director
Recording Secretary



**Town of Camp Verde
Community Development**

**Cover Sheet for Agenda Item
Staff Report for Stuart -- Application for a Variance**

Meeting Date: June 9, 2020 Board of Adjustments and Appeals

Action/Presentation: Possible approval of the request for a Variance from the front setback standards.

Requesting Department: Community Development

Staff Resource/Contact Person: Melinda Lee, Director

Agenda Title (as published):

Public Hearing, Discussion, and Possible Approval of an application submitted by Hunter and Barbara Stuart. The applicant is requesting a variance from the front setback requirements. The proposed variance is located at 4261 E. Canyon Drive, on APN 404-12-155, which is a .25 acre parcel, in Camp Verde, Yavapai County, Arizona.

List of Attached Documents:

Application; Property Information; Vicinity & Zoning Map; Letter of Intent; Site Plan; Clear Creek Plat; R1L District Dimensional Standards; three (3) Photos of Subject Parcel; Agency Transmittal Letter; Agency Comments; and excerpt from Planning & Zoning Ordinance, Section 602 - Zoning Adjustments.

Estimated Presentation Time: 10 minutes.

Estimated Discussion Time: 20 minutes

Staff Report for Stuart – Application for a Variance
Town of Camp Verde: June 9, 2020 Board of Adjustments & Appeals

BACKGROUND:

Applicants Hunter & Barbara Stuart purchased the vacant property at 4261 E. Canyon Drive in July 2019 and have been evaluating the plans for construction of their new home. It became apparent that the installation of a septic system in the rear of the property would create a non-conforming issue for the front setback on the west side of the proposed home site.

The property is located within the R1L-10 (Residential: Single Family Limited, 10,000 Square Foot Minimum Lot Size) District. The size of the parcel is .25 acres, or approximately 10,890 square feet. The setbacks for this district are front at 20 feet, interior sides at 7 feet, and rear at 25 feet. Typically, meeting the setbacks for the construction of a home on a parcel of this size is achievable. However, this parcel was platted to include a partial cul-de-sac, creating a curve in the front property line that detracts from the ability to meet typical setbacks.

The applicant is proposing to meet the 20-foot setback requirement on the east side of the home site. This location allows the home to be in alignment with the homes to the east of it. By carrying the front wall of the home westerly, it ends up within the area of the cul-de-sac's curve and only 8 feet 11 inches from the front property line. If the property owner shifted the house southward to meet the 20-foot setback in the area of the curve, the front wall would no longer be in line with the properties to the east of it. The home site would encroach on the area in the rear of the property where the proposed septic system and leach lines will be located. In addition to this, there is a 6-foot public utility easement along the rear property line in which the septic system cannot be installed.

The applicant's request is for a variance to reduce the requirement for a 20-foot setback from the front property line, only on the west edge of the home site, to 8 feet, 11 inches.

THE FOLLOWING HAS BEEN COMPLETED BY THE APPLICANT AND/OR STAFF:

Community Development Staff mailed out sixteen (19) letters to property owners within three hundred (300) feet of the subject parcel on May 14, 2020. This letter advised the neighbors of the Board of Adjustment meeting date, time and location. A Notice of Hearing was placed in the Verde Independent/Bugle newspaper on May 17, 2020, by Community Development Staff. A Notice of Public Hearing was posted on the subject property at 4261 E. Canyon Drive, on May 22, 2020, by Community Development Staff.

NEIGHBORHOOD COMMENTS:

Staff has received two telephone calls from an adjoining property owner and the potential buyer of his property, stating they have no disputes against the reduced setback. (Eric Henderson is the current owner of 404-12-154, and Janice Latrell is currently in escrow to purchase Mr. Henderson's property) There have been no other comments received from the public regarding this request.

AGENCY COMMENTS:

Staff has received the following comments from reviewing agencies:

Town of Camp Verde Building Department

Contact: Robert Foreman, Building Official Comment Received: May 18, 2020

- *Building Department has no concerns with this variance request.*

Town of Camp Verde Public Works Department

Contact: Ron Long, Director Comment Received: May 20, 2020

- *Public Works Department has no comments regarding this variance request.*

Copper Canyon Fire & Medical District

Contact: Ken Krebbs, Fire Marshal Comment Received: May 28, 2020

- *Copper Canyon Fire & Medical approves of this request for a variance.*

STAFF RECOMMENDATION:

Based upon Planning & Zoning Ordinance Section 602 – Zoning Adjustments, Item A – Variances, staff recommends approval of Variance #20200139. The variance request made by the owners of Parcel 404-12-155, Hunter and Barbara Stuart, seeks a reduction from the required front yard setback of 20 feet to a reduced front yard setback of 8 feet, 11 inches, only on the west side of the proposed home site.

RECOMMENDED MOTION:

A MOTION TO APPROVE (OR DENY) A VARIANCE REQUEST BY OWNERS HUNTER & BARBARA STUART, TO SEEK A REDUCTION FROM THE REQUIRED FRONT YARD SETBACK OF 20 FEET TO A REDUCED FRONT SETBACK OF 8 FEET 11 INCHES, ONLY ON THE WEST SIDE OF THE PROPOSED HOME SITE. THE ABILITY TO MEET STANDARD CRITERIA IS POTENTIALLY LIMITED DUE TO THE CURVE OF THE FRONT PROPERTY LINE FROM A PLATTED, PARTIAL CUL-DE-SAC. THE PROPERTY IS LOCATED AT 4261 E. CANYON DRIVE ON APN 404-12-155, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA.



Land Use Application Form

1. Application is made for:

- | | | |
|---|---------------------|----------------------|
| Zoning Map Change | Use Permit | Temporary Use Permit |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PAD Final Site Plan Review | Variance | Appeal |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Administrative Review | Lot Line Adjustment | Zoning Verification |
| Development Standards Review (Commercial) | Other: _____ | |

2. Project Name: Hunter & Barbara Stuart Home

3. Contact information: (a list of additional contacts may be attached)

| | |
|--|--|
| Owner Name: <u>H & B Stuart Revocable Trust</u> | Applicant Name: <u>Hunter & Barbara Stuart</u> |
| Address: <u>1472 W Horseshoe Bend Dr</u> | Address: <u>1472 W Horseshoe Bend Dr</u> |
| City: <u>Camp Verde</u> State: <u>AZ</u> Zip: <u>86322</u> | City: <u>Camp Verde</u> State: <u>AZ</u> Zip: <u>86322</u> |
| Phone: <u>480-363-0046</u> | Phone: <u>480-363-0046</u> |
| E-mail: <u>hunter@hbstuart.com</u> | E-Mail: <u>hunter@hbstuart.com</u> |

4. Property Description: Parcel Number 404-12-155 Acres: .25

Address or Location: 4261 E Canyon Dr

Existing Zoning: Residential Existing Use: Vacant Land

Proposed Zoning: Residential Proposed Use: Single Family Home

5. Purpose: (describe intent of this application in 1-2 sentences)

Requesting permission for our front yard setback to be 20 feet from the straight street property line and not the expanded circular corner property line, which will allow room for our septic tank and leach lines in the rear of the home.

6. Certification:

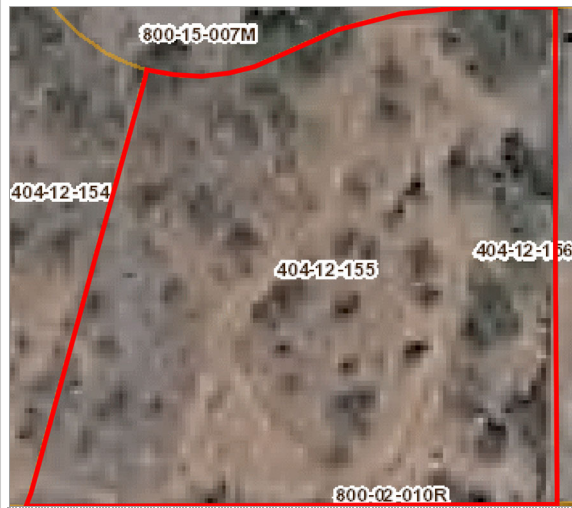
I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action. I have also attached a completed Permission to Enter form for consent to access the property regarding this action.

Owner: [Signature] Date: 5-11-20

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: [Signature] Date: 5-11-20

Yavapai County Print Parcel



| | | | |
|---------------------------------|---|-------------------------------|--------------------|
| Parcel ID | 404-12-155 | Check Digit | 9 |
| Owner | Stuart Hunter & Barbara Z Revocable Trust | | |
| Owner's Mailing Address | PO Box 478 Camp Verde, AZ 86322-0478 | | |
| Secondary Owner | | | |
| Recorded Date | 1/1/2018 12:00:00 AM | | |
| Last Transfer Doc Docket | N/A | Last Transfer Doc Page | N/A |
| Physical Address | 4261 E Canyon Dr | Incorporated Area | Town of Camp Verde |

| | | | | | |
|-------------------------|---------------------------|----------------------|--------------------------------|--------------------------------|---------------------|
| Assessor Acres | 0.25 | Subdivision | Clear Creek West | Subdivision Type | M |
| School District | Camp Verde Unified SD #28 | Fire District | Copper Canyon Fire And Medical | County Zoning Violation | No Zoning Violation |
| Improvements (0) | No Improvements found. | | | | |

Local Zoning
Town Of Camp Verde
R1L-10
ROW

Assessment

Starting with the 2015 tax year, the Limited Property Value is the only value considered for taxation purposes, the Full Cash Value is no longer used for taxation.

| Tax Year | 2021 | 2020 |
|---------------------|-----------------|-----------------|
| Assessed Value(ALV) | \$2,279 | \$2,171 |
| Limited Value(LPV) | \$15,196 | \$14,473 |
| Full Cash(FCV) | \$20,286 | \$20,105 |
| Legal Class | Vacant or Other | Vacant or Other |
| Assessment Ratio | 15% | 15% |
| Usage Code | 0011 ? | 0011 ? |

Taxes

| Tax Area Code | 2019 Taxes Billed |
|---------------|-------------------|
| 2877 | \$253 |

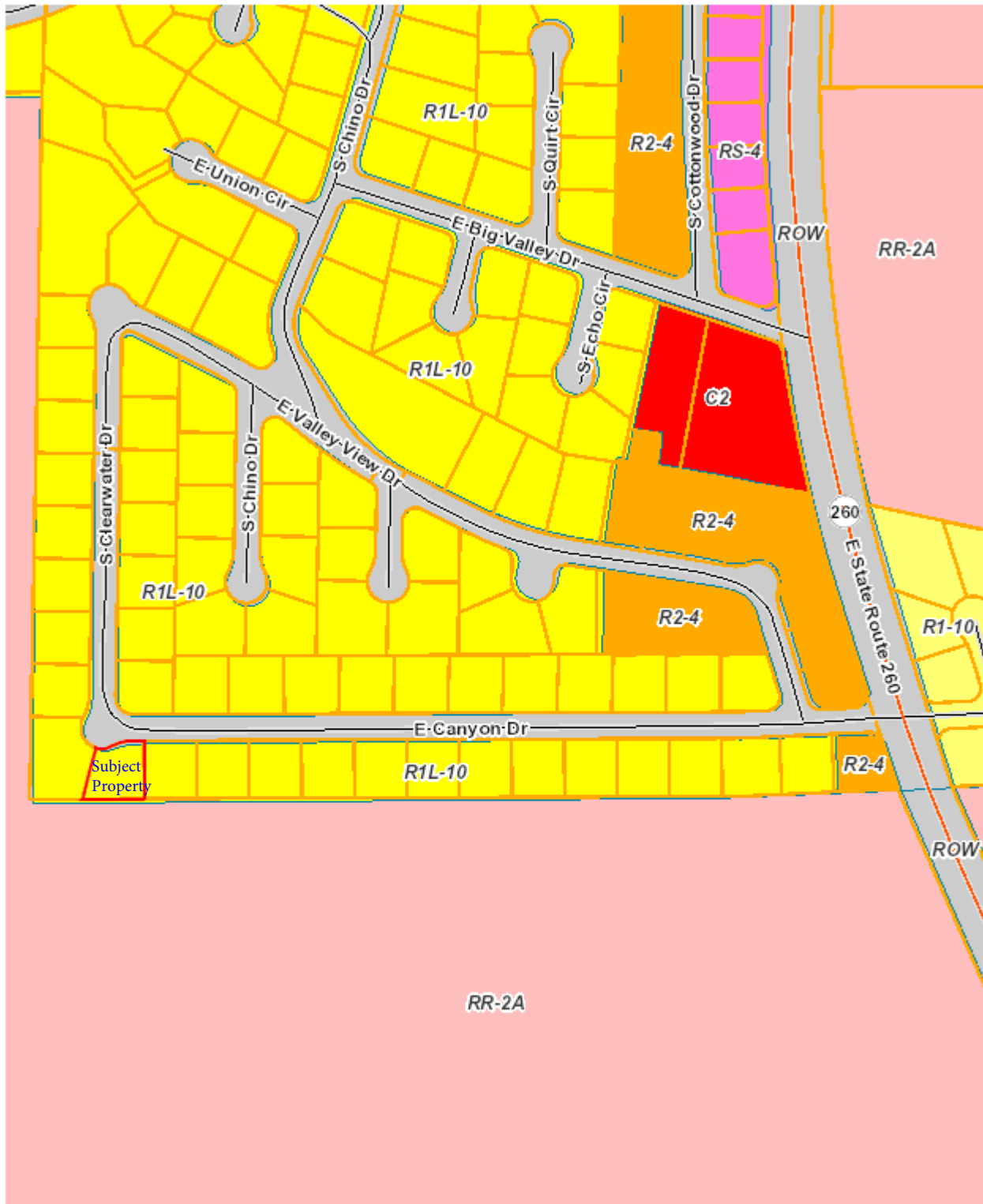
Recorded Documents & Sales (6)

| Date | Book/Page | Type | Cost |
|------------|--------------|---------------|----------|
| 7/31/2019 | 2019-0038996 | Warranty Deed | \$33,000 |
| 1/5/2018 | 2018-0000785 | Warranty Deed | \$30,000 |
| 12/5/2006 | 4086151 | Warranty Deed | \$45,000 |
| 11/30/2005 | 3947342 | Warranty Deed | \$35,000 |
| 11/30/2005 | 4339-442 | Warranty Deed | \$0 |
| 2/9/1982 | 1441-695 | Other - Sale | \$0 |

Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. Users should independently research, investigate and verify all information.

By using this website, the user knowingly assumes all risk of inaccuracy and waives any and all claims for damages against Yavapai County and its officers and employees that may arise from the use of this data and agrees to indemnify and hold harmless Yavapai County and its officers and employees to the fullest extent permitted by law. By using this website, the user also agrees that data and use of this website may not be used for commercial purposes.

Stuart Variance: Vicinity & Zoning Map



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Map printed on: 6.1.2020

Variance Request

Letter of Intent

4261 E Canyon Dr, Camp Verde, AZ 86322

Parcel #404-12-155


Residential Building Lot
Setback Variance

In order to (1) allow room for the county permitted septic system (# WWS19-000129) in the back yard and (2) match the setbacks of our neighboring homes on Canyon Drive to the east and Clearwater Drive to the north and (3) give us room to have a normal back yard big enough for our garden and landscaping:

We are requesting that we be allowed to build our home with the 20 foot setback requirement being measured from the straight property line on the northeast end of the lot, matching our neighbors to the east and north, as opposed to the bulbous corner circle as originally created by the developer.

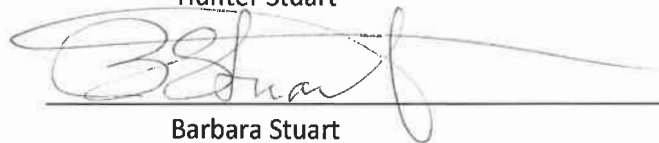
When asked, the town's roads and streets department indicated that they have no intention to extend the street asphalt or other finish work to the larger circular property lines because they saw no need to do so and did not have funds allocated for that kind of work in their budgets. They indicated that we would be allowed to take care of and properly landscape that property as part of our front yard landscaping.

Upon acceptance of this variance, Barb and I plan to apply for our building permit in the following few days to begin our build.



Hunter Stuart

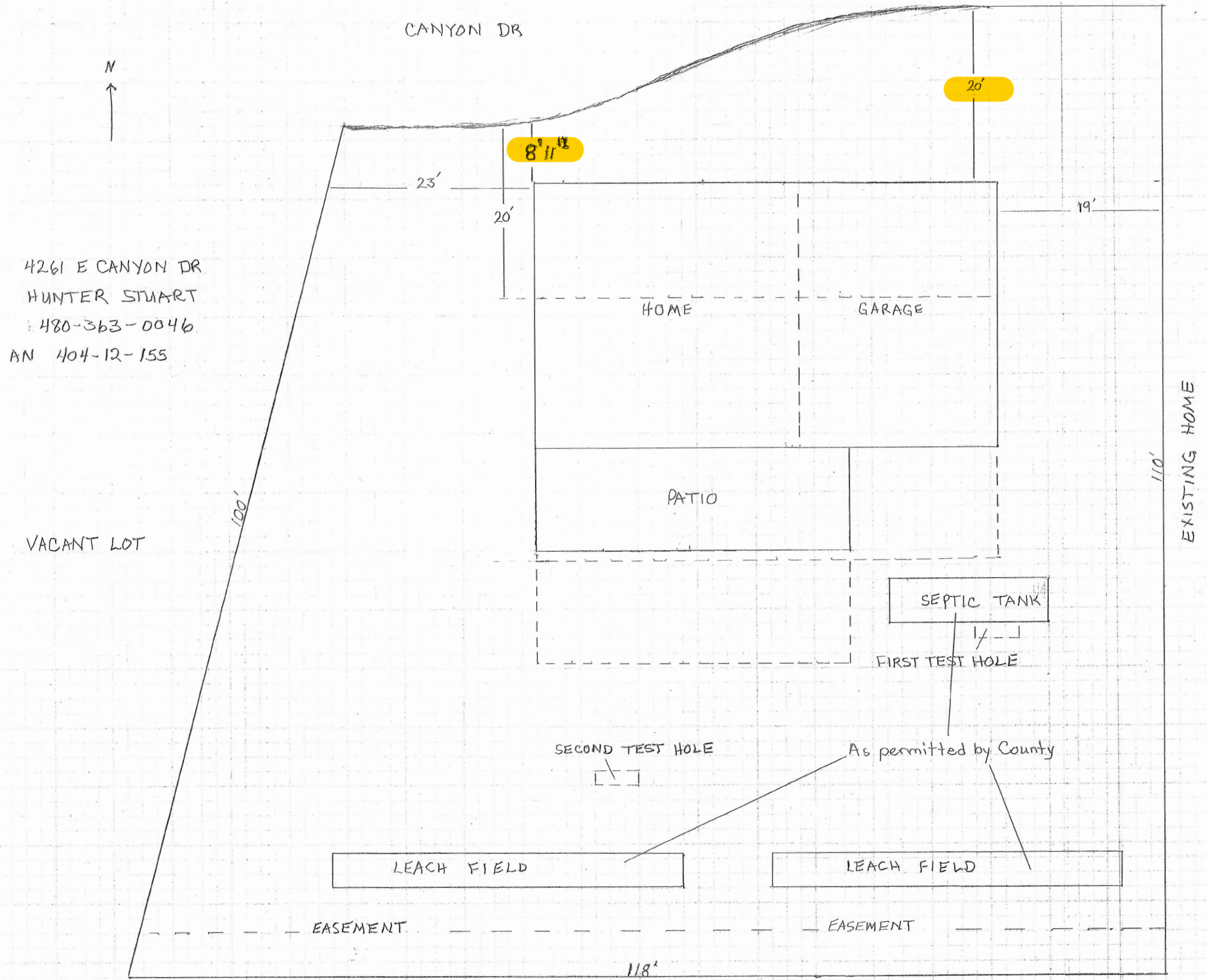
5-11-20
Date



Barbara Stuart

5-11-20
Date

Stuart Variance: Site Plan



4261 E CANYON DR
HUNTER STUART
480-363-0046
AN 404-12-155

VACANT LOT

EXISTING HOME

EASEMENT

EASEMENT

118'

110'

CANYON DR



8' 11/16"

20'

23'

20'

19'

HOME

GARAGE

PATIO

SEPTIC TANK

FIRST TEST HOLE

SECOND TEST HOLE

LEACH FIELD

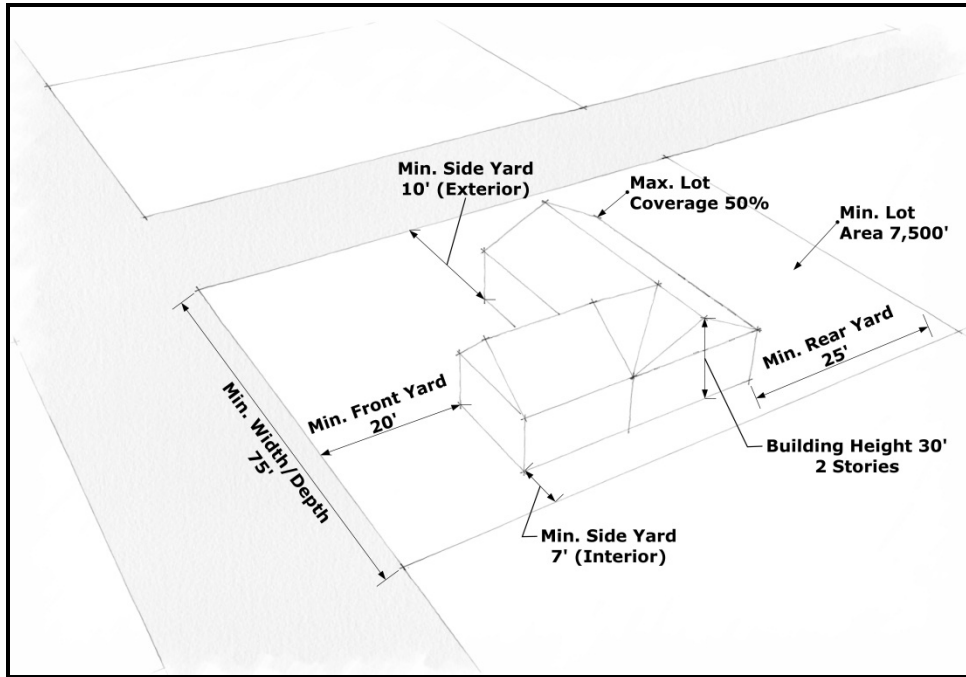
LEACH FIELD

As permitted by County

Table 2-1: R1L Dimensional Standards

| Zoning District | "R1L" |
|-----------------------------------|--------|
| Minimum Lot Area (sq.ft.) | 7,500' |
| Minimum Width OR Depth (feet) | 75' |
| Maximum Bldg Ht (stories) | 2 |
| Maximum Bldg Ht (feet) | 30' |
| Maximum Lot Coverage (%) | 50% |
| Minimum Front Yard (feet) | 20' |
| Minimum Rear Yard (feet) | 25' |
| Minimum Side Yard Interior (feet) | 7' |
| Minimum Side Yard Exterior (feet) | 10' |

Figure 2-1: R1L Dimensional Standards



Septic test holes
and leach lines





----- 20 Foot Front Yard Setback -----

Stuart Variance: Front, West Side

--8 Foot 11 Inch Front Setback--

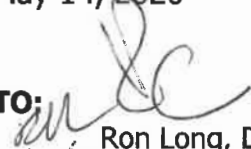




Town of Camp Verde
Community Development Department – Planning Division
◆ 473 S. Main Street, Suite 108 ◆ Camp Verde, Arizona 86322 ◆
◆ Telephone: 928.554.0050 ◆ www.campverde.az.gov ◆

May 14, 2020

TO:

- 
 Ron Long, Director, Public Works
 Robert Foreman, Building Official
 Ken Krebs, Marshal, Copper Canyon Fire & Medical
 Verde Lakes Water Company (mailed)

FROM:

Name: Bobbi Webb **Title:** Assistant Planner
Telephone: (928) 554-0062
E-Mail: bobbi.webb@campverde.az.gov

Project Number: 20200139
Application Type: Variance Request
Project Name: Hunter & Barbara Stuart **Project Parcel:** 404-12-155

Description of Project: An application has been submitted by Hunter and Barbara Stuart. The applicant is requesting a variance from the front setback requirements. The proposed variance is located at 4261 E. Canyon Drive, on APN 404-12-155, which is a .25 acre parcel, in Camp Verde, Yavapai County, Arizona.

A copy of the proposed project is attached for your review and comment. Written comments are due to the Community Development Department by **May 26, 2020**. If you do not respond by the due date, we will consider this as a "no comments" response.

Attached Documents: Cover Sheet, Application, Site Plan, and Property Information.

Thank you in advance for taking the time to review this proposed application!



Handicap Relay: 711 or Voice: 1-800-842-4681 TTD: 1-800-367-8939



Melinda Lee

From: Robert Foreman
Sent: Monday, May 18, 2020 9:24 AM
To: Bobbi Webb
Cc: Melinda Lee; Roxanne Jasman; Jonathan Rivero
Subject: Variance #20200139

Building Division has no issues with this request
Rob

Robert Foreman
Building Official
Town of Camp Verde
Robert.foreman@campverde.az.gov
928-554-0063
473 S. Main St.
Camp Verde, AZ 86322

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Furthermore, to ensure compliance with the Open Meeting Law, Council or Board / Commission / Committee members who are recipients of this message should not forward it to other members of the Council or Board / Commission / Committee of the Town of Camp Verde. Council Members or Board / Commission / Committee members may reply to a staff member regarding this message, but they should not send a copy of a reply to other Council or Board / Commission / Committee members.

Please consider our environment before printing this email. 

Bobbi Webb

From: Ron Long
Sent: Wednesday, May 20, 2020 1:56 PM
To: Bobbi Webb
Cc: Roxanne Jasman
Subject: Stuart Variance Request

I have reviewed the Variance Request Application submitted by the Stuarts for parcel # 404-12-155 and have no comments.

Ron Long, P.E.
395 S. Main Street
Camp Verde, AZ, 86322
Ron.long@campverde.az.gov
Office: 928-554-0821
Cell: 928-274-3750

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Please consider our environment before printing this email. 

Bobbi Webb

From: Kenny Krebbs <KKrebbs@CCFMD.Az.Gov>
Sent: Thursday, May 28, 2020 6:40 AM
To: Bobbi Webb
Subject: variance request

Ms. Webb,

After reviewing the variance request and physically looking at the parcel, Copper Canyon Fire and Medical District approves the variance for project # 20200139/project parcel 404-12-155.

Thank You,

Ken Krebbs, MSL
Fire Marshal
Copper Canyon Fire & Medical District
928-593-0377 cell
928-567-9401 office

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Please consider our environment before printing this email. 

SECTION 602 - ZONING ADJUSTMENTS

Zoning matters decided by the Board of Adjustment and Appeals are intended to apply to specific properties or actions. Such decisions are not regarded as strict precedents; however, they may be considered in future matters under similar circumstances.

A. Variances

1. A variance from the Planning and Zoning Ordinance shall not be granted by the Board unless and until a public hearing has been conducted pursuant to Section 602. C, and until the property owner in a written appeal and at the public hearing demonstrates and the Board finds that all criteria required by subsections a. through e. have been met:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same District;
 - b. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of the Zoning Ordinance;
 - c. That the alleged hardships caused by literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship and do not result from actions that are self-imposed or for economic gain by the applicant;
 - d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same District; and
 - e. That granting the variance requested will not interfere or injure the rights of other properties in the same District.
2. The Board MAY NOT:
 - a. Make any changes in the uses permitted in any zoning classification or zoning District, or make any changes in the terms of the Zoning Ordinance, provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.
 - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the owner.