

HB 2723 -- BOARDS OF ADJUSTMENT

SPONSOR: Korman

This bill clarifies that a board of adjustment has the power, when considering an appeal, to grant an area or use variance when relief is necessary because of the unique character of the property rather than for personal considerations of an applicant; applying the strict letter of the ordinance would result in unnecessary hardship; imposition of such a hardship is not necessary for the preservation of the plan; granting the variance will result in substantial justice to all; or the request of the applicant is reasonable and all adjacent property owners agree in writing.

"Unnecessary hardship," will include a situation where, if property is used only for the purpose allowed in a zoning ordinance, the return on the property to the owner would be less than 50% of the return if the property is used as requested in the variance.