



Town of Wilmington Use Variance Test

Use Variances Criteria and Test

A. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this Code, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this Code.

B. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

C. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

APPLICANT: _____

APPLICANT: _____

USE VARIANCE TEST	Board	Use:
To be filled out by the applicant:	YES	NO
<p>Under applicable zoning regulations, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.</p>		
<p>The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.</p>		
<p>The requested use variance, if granted, will not alter the essential character of the neighborhood.</p>		
<p>The alleged hardship has not been self-created.</p>		
<p>NARRATIVE:</p>		