

## ZBA CHAIRMAN'S OPENING STATEMENT

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Petitioners and members of the audience, the Zoning Board of Appeals, as herein created, is a body of limited powers. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Fraser Code. the board shall have the powers in passing upon appeals to modify any of the provisions of the Code relating to the construction, structural changes in equipment or alteration of buildings or structures so that the spirit of the Code shall be observed, public safety secured, and substantial justice done.

No variance in the provisions or requirements of the Code shall be authorized by the board unless the board finds evidence that all the following facts and conditions exist:

First, that there are exceptional or extraordinary circumstances or conditions applying to the property in question, or as to the intended use of the property, that do not apply generally to other properties in the same zoning district.

Second, that such a variance is necessary for the preservation and enjoyment of a substantial property right, similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not be of itself be deemed sufficient to warrant a variance.

Third, that the authorizing of the variance will not materially impair the intent and purpose of the Fraser Code or the public interest.

And finally, that the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought, is not of so general or recurrent in nature as to make reasonably practicable the formulation of general regulation for such condition or situation.