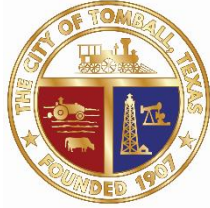


**NOTICE OF BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**



**Thursday, December 9, 2021
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, December 9, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Board of Adjustments reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
 - B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
 - C. Reports and Announcements
 - D. Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of October 14, 2021.
 - E. New Business
 - E.1 Consideration to approve **BOA Case P21-467**: Request by Amanda Coolidge on behalf of property owner, Sandy Anderson, for a variance from Section 50-70 *Single-Family Residential District (SF-9)* of the Tomball Code of Ordinances to allow for encroachments into the side and rear setback. The site is approximately 0.2296 acres (10,000 square feet), located at 31126 Antonia Lane and is legally described as Lot 12, Block 2 Tomball Hills within the City of Tomball, Harris County Texas.
- Conduct a Public Hearing on **BOA Case P21-467**
- F. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of December 2021 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

**MINUTES OF
REGULAR BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**

THURSDAY, OCTOBER 14, 2021



6:00 P.M.

- A. The meeting was called to order by Chairman Billy Hemby at 6:00 p.m. Other members present were:

Board Member Jarmon Wolfe
Board Member Christine Roquemore
Board Member April Gray
Alternate Board Member Cindy Phillips

Others present:

Nathan Dietrich – Community Development Coordinator
Wesley Stolz – City Engineer
Loren Smith – City Attorney
Kim Chandler – Community Development Coordinator
Mindi Snyder - Gunda Corporation

draft

- B. No Public Comments were received.
- C. Reports and Announcements:
- Wesley Stolz, City Engineer, announced the following:
 - Introduced and welcomed Nathan Dietrich, as the new City of Tomball Community Development Director.
 - Introduced and welcomed Mindi Snyder with Gunda Corporation as interim City Planner.
- D. Motion was made by Board Member Roquemore, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of September 9, 2021.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

E. New Business:

- E.1 Consideration to approve **BOA Case P21-370**: Request by Rehab Garage LLC., for a special exception from Section 50-31 (*Nonconforming uses and structures*) to allow for the expansion of a nonconforming use by constructing a new structure for storage of vehicles. The project site is approximately 4.95 acres, located at 723 S. Cherry Street, is zoned SF-6 - Single-Family 6 District and legally described as LT 128 Tomball Outlots, within the City of Tomball, Harris County, Texas.

The Public Hearing was opened by Chair Hemby at 6:02 p.m.

Mindi Snyder, Gunda Corporation, presented the case and recommendation of approval with conditions.

Rob McKee, Owner (7411 Fort Augusta Court, Spring, TX 77379) spoke on behalf of the request.

Will Patterson, Owner (723 S. Cherry Street, Tomball, TX 77375) spoke on behalf of the request.

Lino Romero Garcia (305 Willowick Street, Tomball, TX 77375) submitted a public comment form in opposition of the request.

Martha Vicero (303 Willowick Street, Tomball, TX 77375) submitted a public comment form in opposition of the request.

Patsy Garner (213 Belmont Street, Tomball, TX 77375) submitted a public comment form and spoke in opposition of the request.

Tom Conklin (215 Belmont Street, Tomball, TX 77375) submitted a public comment form and spoke in opposition of the request.

Rita House (207 Belmont Street, Tomball, TX 77375) submitted a public comment form in favor of the request.

Robert Gentry (219 Belmont Street, Tomball, TX 77375) spoke in opposition of the request.

Steven May (217 Belmont Street, Tomball, TX 77375) spoke in opposition of the request.

Derek Townsend (30618 William Juergens Drive, Tomball, TX 77375) spoke in opposition of the request.

Mary Romero (305 Willowick Street, Tomball, TX 77375) spoke in opposition of the request.

Hearing no further comments, the Public Hearing was closed at 6:27 p.m.

Motion was made by Board Member Gray, second by Board Member Wolfe, to approve the Special Exception request of **BOA Case P21-370** with the following conditions:

1. A 10-foot side wide landscaped open-space buffer be installed and maintained between the subject property and the adjacent residential area on the north.
2. Masonry materials be considered for the facade facing S. Cherry Street.
3. The site be brought into compliance with all other current development standards including landscaping, parking, paving, drainage, buffers, etc.

Roll call vote was called by Board Secretary Kim Chandler.

Vote was as follows:

Chairman Hemby	<u>Aye</u>
Board Member Wolfe	<u>Aye</u>
Board Member Roquemore	<u>Aye</u>
Board Member Gray	<u>Aye</u>
Alternate Board Member Phillips	<u>Aye</u>

Motion carried unanimously.

F. Motion was made by Board Member Roquemore, second by Board Member Phillips, to adjourn.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:58 p.m.

PASSED AND APPROVED this _____ day of _____ 2021.

Kim Chandler
Community Development Coordinator/
Board Secretary

Billy Hemby
Chairman

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
BOARD OF ADJUSTMENTS (BOA)**



DECEMBER 9, 2021

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, December 9, 2021, at 6:00 P.M.** at a Regular Meeting, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such date, the BOA will consider the following:

BOA Case P21-467: Request by Amanda Coolidge on behalf of property owner, Sandy Anderson, for a variance from Section 50-70 *Single-Family Residential District (SF-9)* of the Tomball Code of Ordinances to allow for encroachments into the side and rear setback. The site is approximately 0.2296 acres (10,000 square feet), located at 31126 Antonia Lane and is legally described as Lot 12, Block 2 Tomball Hills within the City of Tomball, Harris County Texas.

At the public hearing, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public review Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Community Development Coordinator, Kim Chandler, at (281) 290-1405 or at kchandler@tomballtx.gov.

C E R T I F I C A T I O N

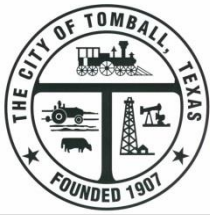
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **December 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Community Development Department

Notice of Public Hearing

YOU ARE INVITED TO ATTEND a Public Hearing before the **BOARD OF ADJUSTMENTS** of the City of Tomball regarding the following item:

CASE NUMBER: P21-467

APPLICANT/OWNER: Amanda Coolidge /
Sandy Anderson

LOCATION: Located at 31126 Antonia Lane

PROPOSAL: Variance from Section 50-70 *Single-Family Residential District (SF-9)* of the Tomball Code of Ordinances to allow for encroachments into the side and rear setback. The site is approximately 0.2296 acres (10,000 square feet), located at 31126 Antonia Lane and is legally described as Lot 12, Block 2 Tomball Hills within the City of Tomball, Harris County Texas.

CONTACT: Kim Chandler

PHONE: (281) 290-1405

E-MAIL: kchandler@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



BOARD OF ADJUSTMENTS HEARING

City Hall
401 Market Street
Tomball, Texas

MEETING DATE: Thursday, December 9, 2021

MEETING TIME: 6:00 p.m.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Kim Chandler
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Jacqueline Dove

31110 Alice Ln.

Tomball, Tx. 77375

Signature:

Date:

Jacqueline Dove

11-27-21

I am **FOR** the requested Variance as explained on the attached public notice for **BOA Case P21-467. (Please state reasons below)**

✓

I am **AGAINST** the requested Variance as explained on the attached public notice for **BOA Case P21-467. (Please state reasons below)**

Date, Location & Time of **Board of Adjustments** meeting:

Thursday, December 9, 2021 at 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Want - Single - Family Residential District

* one family only *

You may also comment via email to kchandler@tomballtx.gov

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1405.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Kim Chandler
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Russel + Sally Mahon

31118 Antonia Lane

Tomball Tx 77375

Signature:

Date:

Sally Mahon

04 Dec 2021

X

I am **FOR** the requested Variance as explained on the attached public notice for **BOA Case P21-467**. (Please state reasons below)

I am **AGAINST** the requested Variance as explained on the attached public notice for **BOA Case P21-467**. (Please state reasons below)

Date, Location & Time of **Board of Adjustments** meeting:

Thursday, December 9, 2021 at 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

The properties affected are for this and there is no reason not to approve. Thanks

You may also comment via email to kchandler@tomballtx.gov
Please reference the case number in the subject line.
For questions regarding this request please call 281-290-1405.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Kim Chandler
501 James Street
Tomball, TX 77375

Name:

Todd & Suzanne Rogers

(please print)

Address:

31123 Antonia Lane

Tomball, TX 77375

Signature:

Todd Rogers

Date:

11-25-21



I am **FOR** the requested Variance as explained on the attached public notice for **BOA Case P21-467. (Please state reasons below)**

I am **AGAINST** the requested Variance as explained on the attached public notice for **BOA Case P21-467. (Please state reasons below)**

Date, Location & Time of **Board of Adjustments** meeting:

Thursday, December 9, 2021 at 6:00 PM

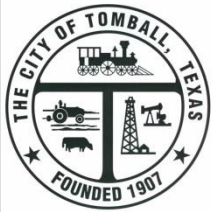
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to kchandler@tomballtx.gov

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1405.



Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: December 9, 2021

BOA Case P21-467: Request by Sandy Anderson and Amanda Coolidge for a variance from Section 50-70 (*Single-Family Residential District (SF-9)*) of the Tomball Code of Ordinances to allow for the encroachment into the side and rear setbacks. The applicant is asking for a 3 foot encroachment into the side setback in two locations on the north side of the property for a new garage built on front of the home and then to continue the existing 3 ft. encroachment of the existing garage in order to construct an Accessory Dwelling Unit in the rear yard. In addition, the applicant is requesting an encroachment into the 15 foot rear setback by up to 2 feet with both the new Accessory Dwelling Unit structure and utility panel. The site is approximately 10,000 square feet, located at 31126 Antonia Lane, and is zoned Single-Family Residential District SF 9 and legally described as Tomball Hill, Lot 12, Block 2.

Property Owner(s): Sandy Anderson

Applicant(s): Sandy Anderson and Amanda Coolidge

Location: 31126 Antonia Lane (Exhibit “A”)

Lot Area: 10,000 square feet

Present Zoning & Use: Single-Family Residential District SF 9 (Exhibit “B”) / Single-family residence (Exhibit “C”)

Comp Plan Designation: Neighborhood Residential (Exhibit “D”)

Adjacent Zoning & Land Uses:

North:	Single-Family 9 District / Single-family residence
South:	Single-Family 9 District / Single-family residence
West:	Single-Family 9 District / Single-family residence building
East:	Single-Family 9 District / Single-family residences

BACKGROUND

The request is to remodel and construct additions onto the applicant’s childhood home. The applicant is looking to add a new two story garage, new front porch, new pool and new master bedroom along with retrofitting the old detached garage into an Accessory Dwelling Unit for her grandmother and create her family’s “forever home”. In order to construct these plans that have been drawn, the applicant is requesting to encroach into the side setback by 2.6 feet and into the rear setback by 2 feet. The applicants also has deed restrictions on the property that are in direct competition with our current zoning codes. The restrictions allow an encroachment into the side setback of up to 3 feet and all garages need to be a minimum of a two car garage.

ANALYSIS

The property is approximately 10,000 square, zoned Single-Family Residential District (SF9) feet and is surrounded by all existing single-family dwellings and in the same district.

According to Section 50-70 (*Single-Family Residential District – (SF-9)*), the minimum building setback for the front yard is 25 feet, side yard 5 feet and 15 feet for the rear.

The applicant is requesting to encroach a newly constructed two story addition which would house a 2 car garage and upstairs game into the side 5 foot setback. The reason the applicant is requesting for a new garage is they are wanting to construct an accessory dwelling unit for her grandmother out the current detached garage. Due to the current location of the home in order for the applicant to fit a two car garage in the existing space they will need to encroach into the setback.

The applicant is also requesting to encroach the addition to the detached garage for the accessory dwelling unit by 2 feet into the rear 15 foot building setback. The property owner would still be able to build/construct all of what is being requested including the pool and other improvements without the need for the variance.

The request by the homeowner does not seem unreasonable, however, created her plans around the deed restrictions not the existing ordinances.

RECOMMENDATION

Although it is felt that this will not be detrimental to the public health, safety or welfare, or injurious to other property within the area, City Staff has reviewed the request and is unable to recommend approval of **BOA Case P21-467** for the following reasons:

1. Staff feels that this is a self-imposed hardship. The improvements can still be constructed without the encroachments.
2. That there are no special circumstances or conditions affecting the land involved such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

PUBLIC COMMENTS

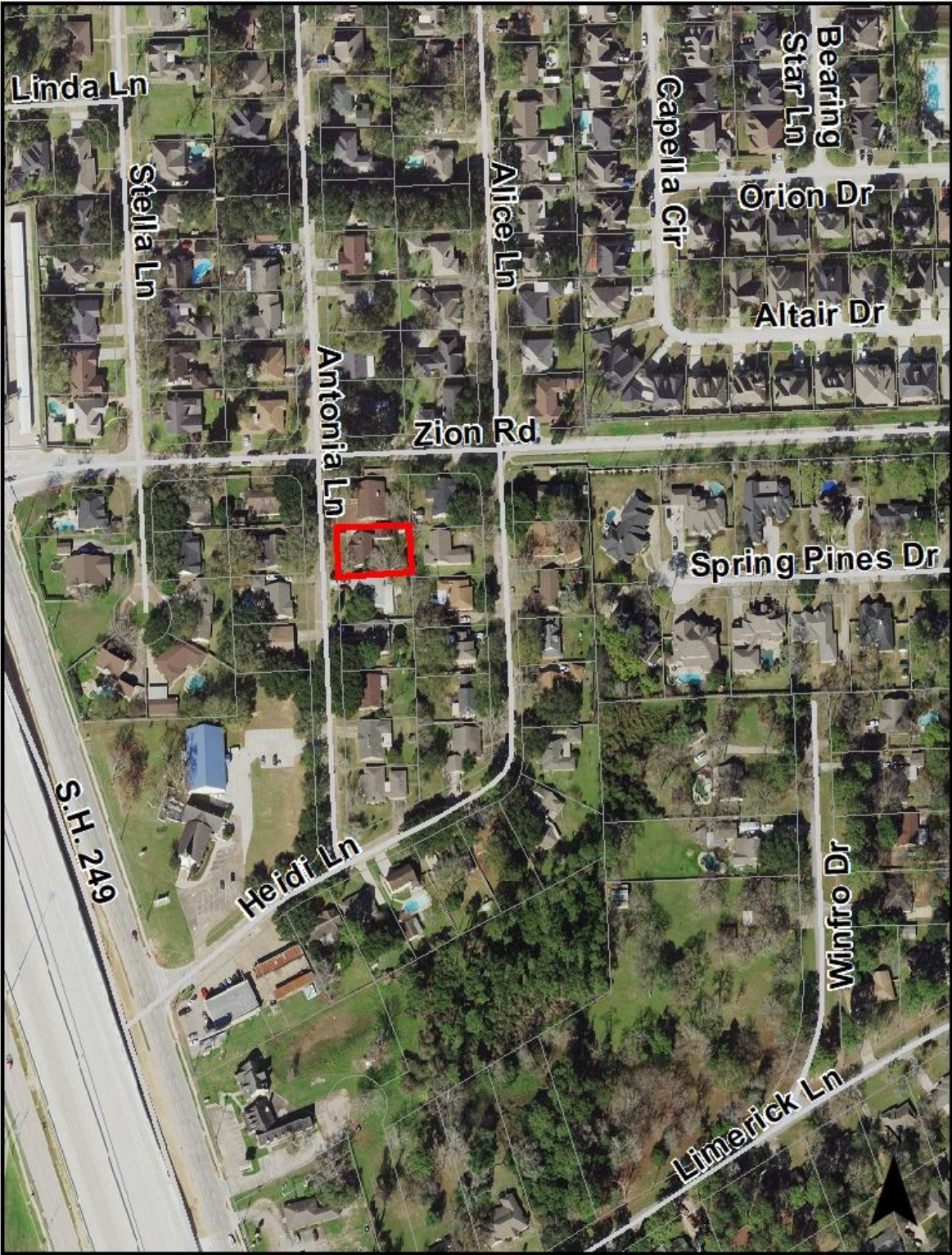
Property owners within 200 feet of the project site were mailed notification of this proposal and a notice of public hearing was published in the Potpourri on November 24, 2021. Public responses will be provided in the Board packets or at the meeting.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo
- D. Comprehensive Plan
- E. Application

Exhibit "A"
Aerial Photo

Item E.1



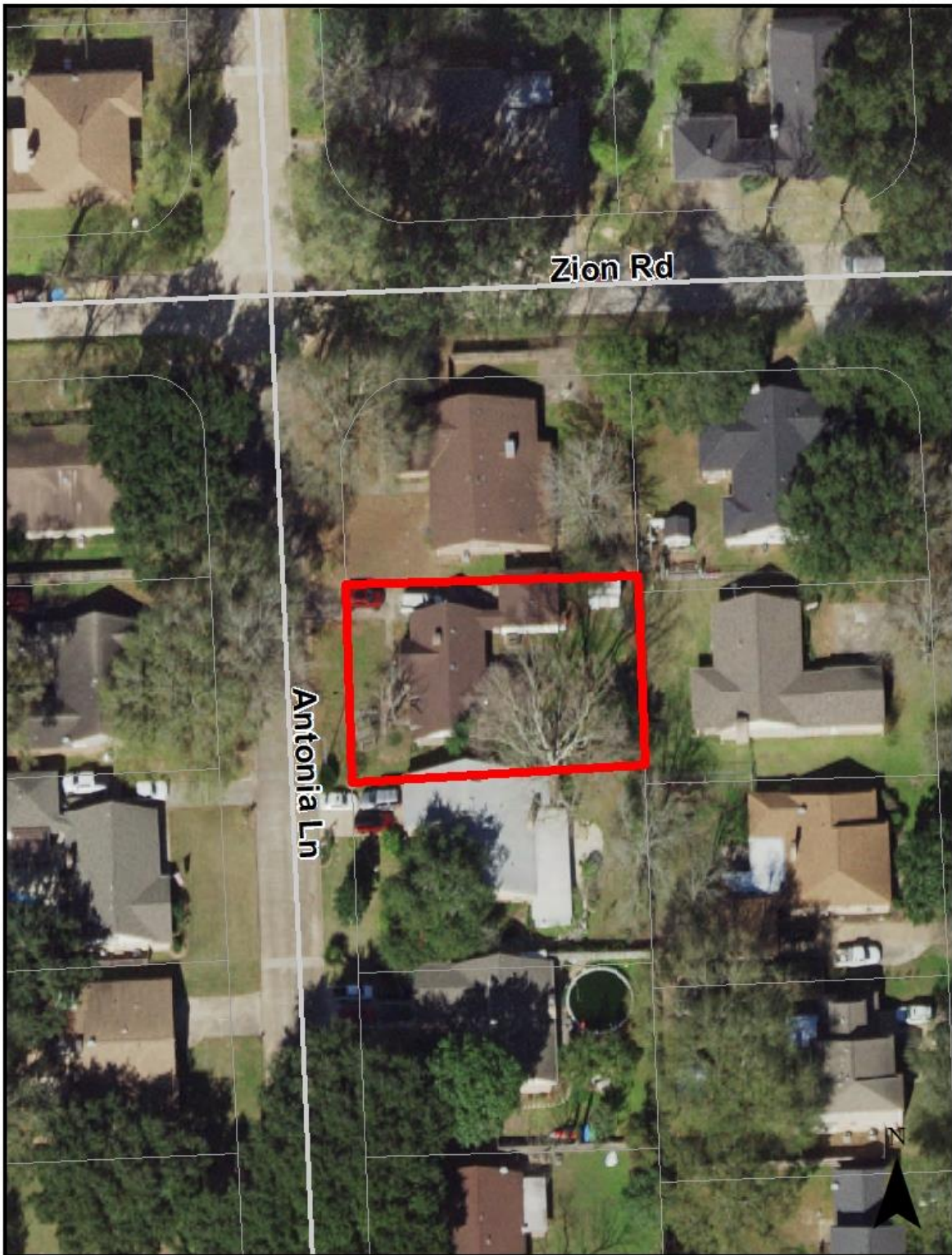


Exhibit "B"
Zoning Map

Item E.1



**Exhibit “C”
Site Photo**



Exhibit "D"
Comprehensive Plan

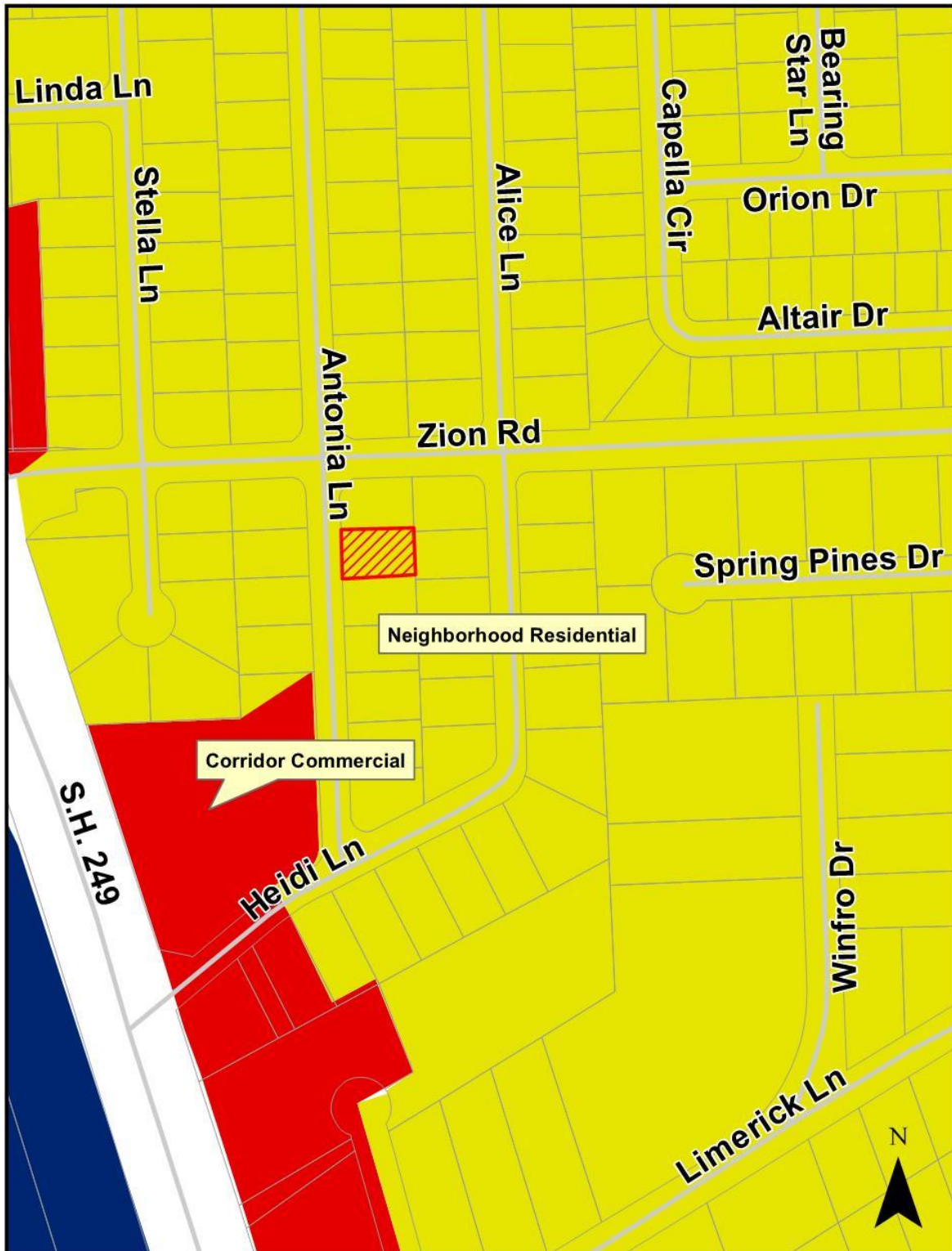


Exhibit "E"
Application

Item E.1

RECEIVED (KC)
10/26/2021

Revised: 4/29/2020
P&Z #21-467
\$100.00 PD



ZONING BOARD OF ADJUSTMENTS (BOA)
VARIANCE APPLICATION
Planning Division

Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: Amanda Coolidge Title: _____
Mailing Address: 31124 Antonia Lane City: Tomball State: TX
Zip: 77375 Contact: Amanda Coolidge
Phone: (713) 409-3595 Email: acoolidge@braden-dean.com

Owner

Name: Sandy Anderson Title: _____
Mailing Address: 31124 Antonia Lane City: Tomball State: TX
Zip: 77375 Contact: Amanda Coolidge - grandchild
Phone: (281) 445-8942 Email: bsanderson8@comcast.net

Description of Proposed Project: _____

Physical Location of Property: 31124 Antonia Ln - Zion/Antonia Ln - Tomball Hills
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Hills lot 12 Block 2
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1129550000012 Acreage: 10,000 SF

Current Use of Property: Residential, Single Family

Revised: 4/29/2020

VARIANCE(S) REQUESTED**Applicable Zoning Ordinance Requirements and Sections:**

Variance Requested:

to use current garage on property as build to line for garage addition
and new garage build. (noted on attached request letter)

A description of hardship letter must be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please attach separate sheets(s) as necessary.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X**Signature of Applicant**

10-27-2021

Date**X****Signature of Owner**

10-27-2021

Date

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 10/27/2021 10:18 AM
OPER : ML
TRBY : ML
TERM : 5
REC# : R01285904

130.0000 PLANNING AND ZONING 100.00
31126 Antonia Ln Variance 100.00
Paid By: 31126 Antonia Ln Variance
Z-CK 100.00 REF: w 1301

APPLIED 100.00
TENDERED 100.00
CHANGE 0.00

Question on back page left
blank as per direction
from city clerk

VARIANCE REQUEST: 31126 ANTONIA LANE TOMBALL HILLS REMODEL/ADDITION

Attached for your reference are the following items:

- A sketch of the proposed additions
- Current Survey
- Architectural drawings

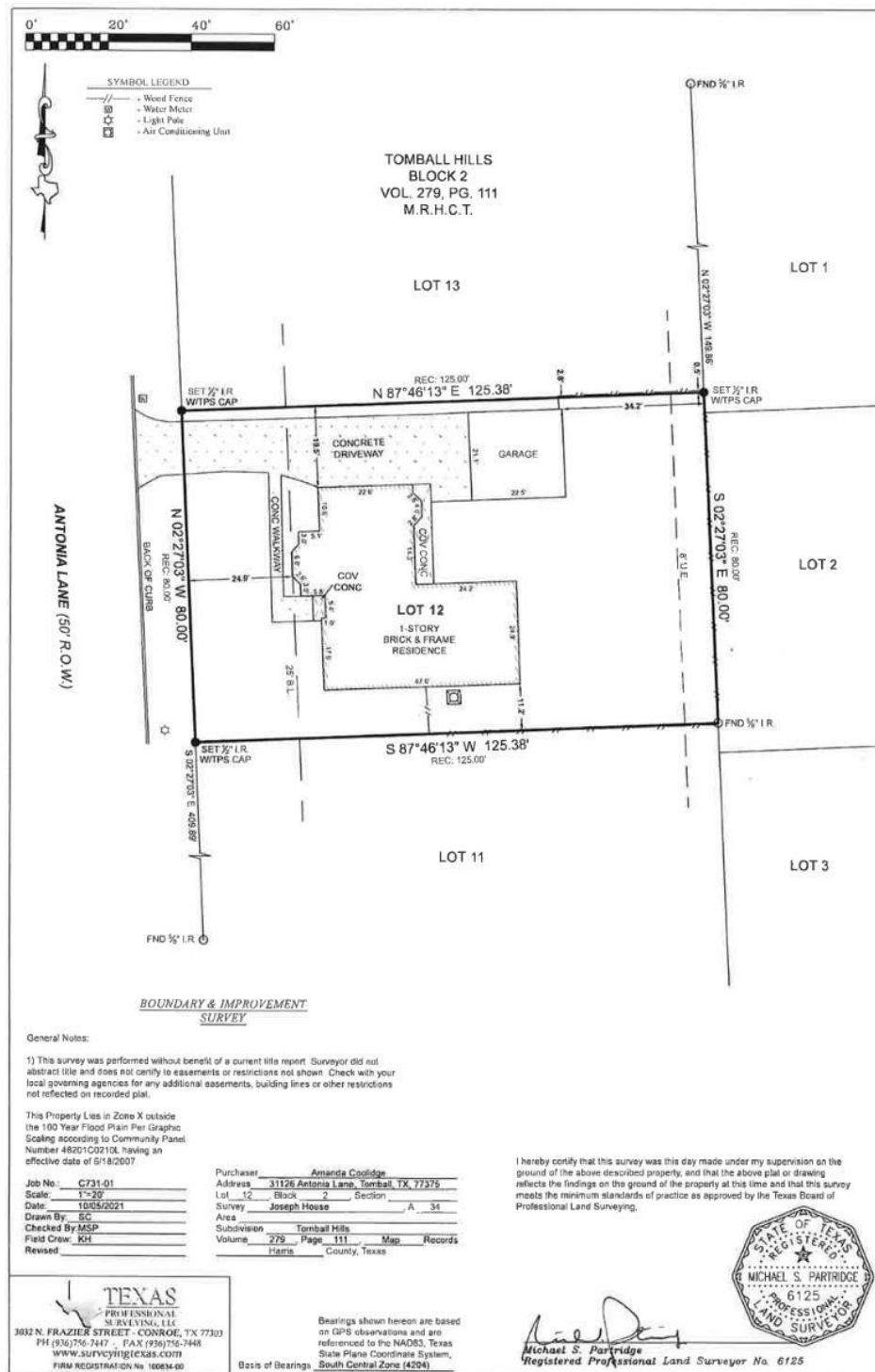
The Owner wants to propose the following changes:

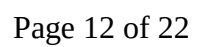
- Convert the existing detached garage into a living space, for their mother, and add on to the back of the existing detached garage to provide extra living space. (855 SF)
 - We are asking for approval to continue with current detached garage build line which is currently 3' from the property line for the additional 20' behind the 6' privacy fence. (See attached diagram)
 - We would like to also bring it to attention that per the recorded easements and build lines (as per the attached survey) we are not encroaching into any utility spaces or recorded restricted areas.
 - Please note the rear build line is recorded at 8' and our addition to the existing garage will bring the addition to 14' from the rear fence. Current deed restrictions state that a 10' utility alley way is located at rear of lot with 5' of utility restriction on each of the residence's property.
- Add a new garage, attached to the current residence. (436 SF)
 - We are asking for approval to continue with current detached garage build line which is currently 3' from the property line for the new garage. The New Garage would not be encroaching any of the current green space between the two properties and would end at the current driveway line.
 - We would like to note that the current deed restrictions mention that a two-car garage is required in the subdivision. By allowing us to build to the location of the existing detached garage we are able to accomplish this requirement. However, with a 5' side set back we would be unable to meet this subdivision requirement.

My grandparents were the first homeowners in Tomball Hills with this being the first home built in the subdivision and have been the original owners since 1978. I was raised in this home by my grandparents and in 2020 my grandfather passed away, which left my grandmother no longer able to maintain the home alone. Our family solution was for my husband and I to sell our home and invest in is this remodel so that the home will stay in the family, and we are able to care for our grandmother here in her home. We have relationships with our neighbors knowing many of them for 20+ years we have discussed our decision with them as well and have received their support.

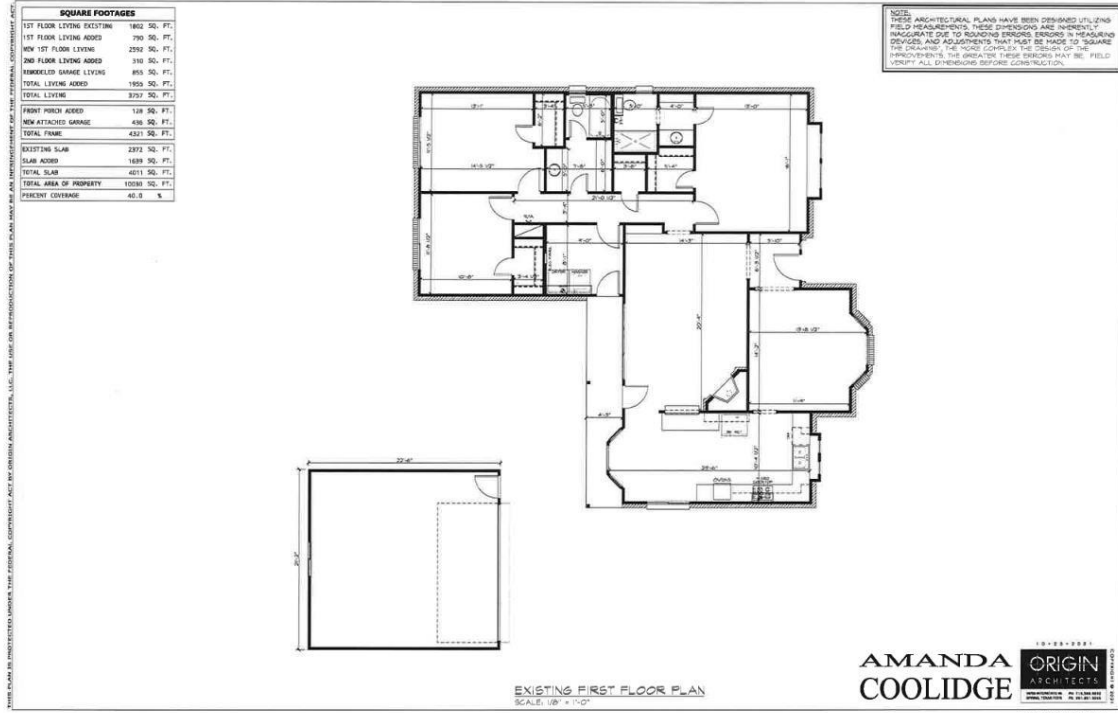
We greatly appreciate your help with our project ... which is the next chapter for our family.

Amanda & Daniel Coolidge and Sandy Anderson
 31126 Antonia Lane Tomball Texas 77375
 Cell: 713-409-3595 Email: amandamaywald@yahoo.com

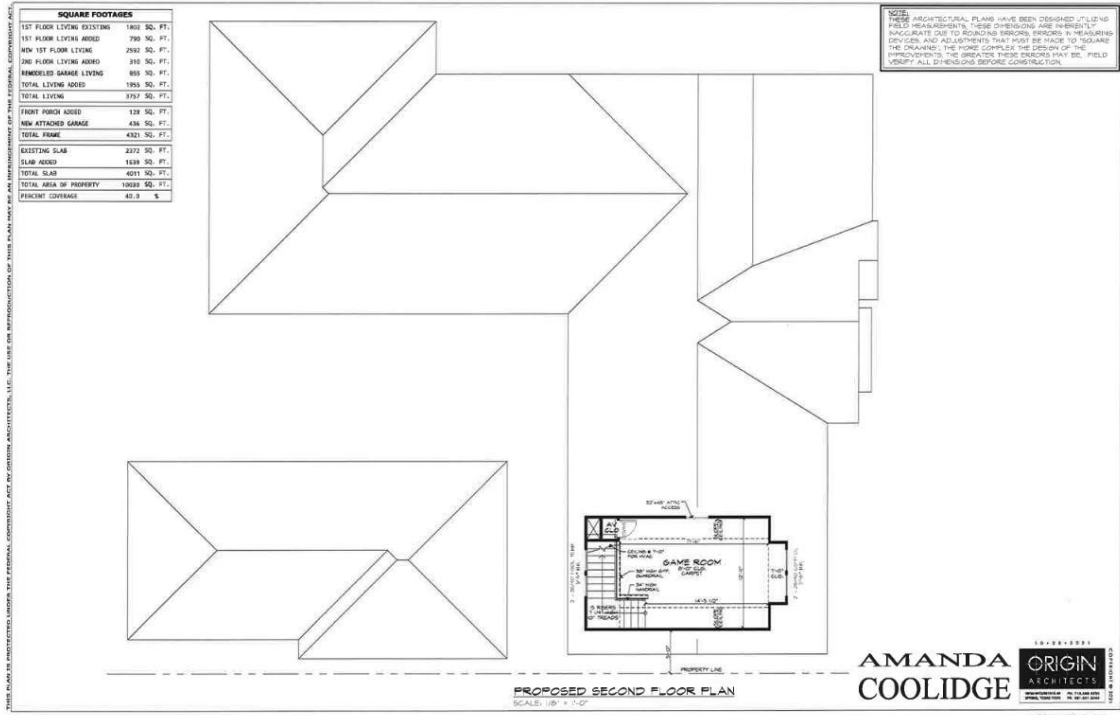


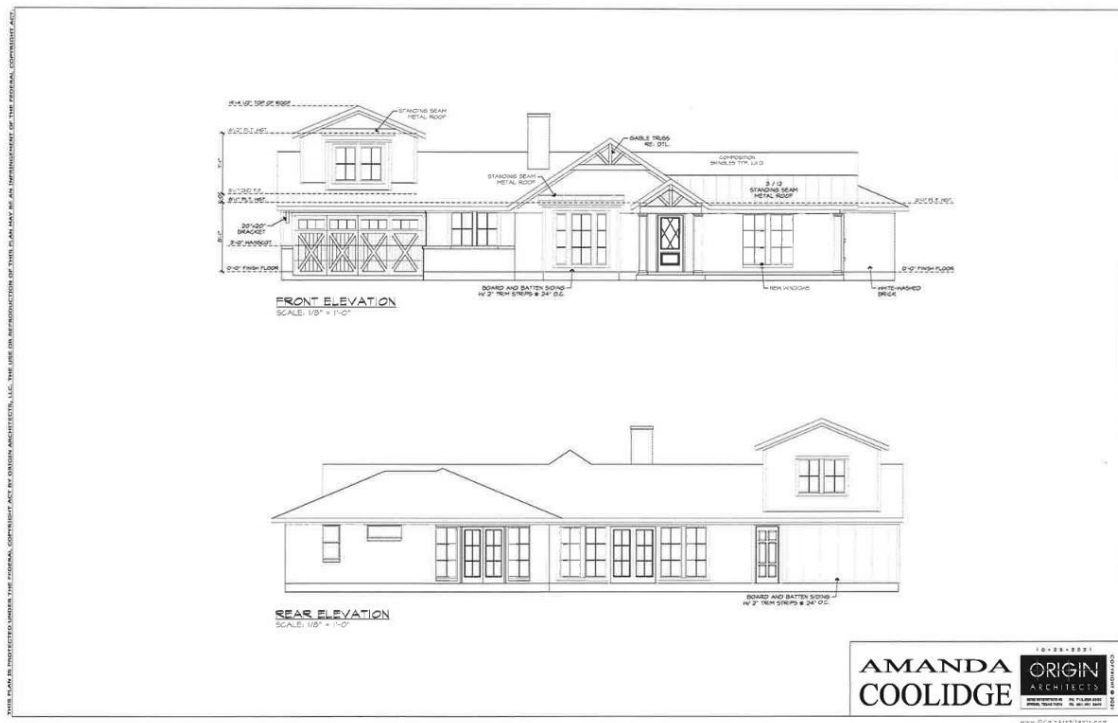


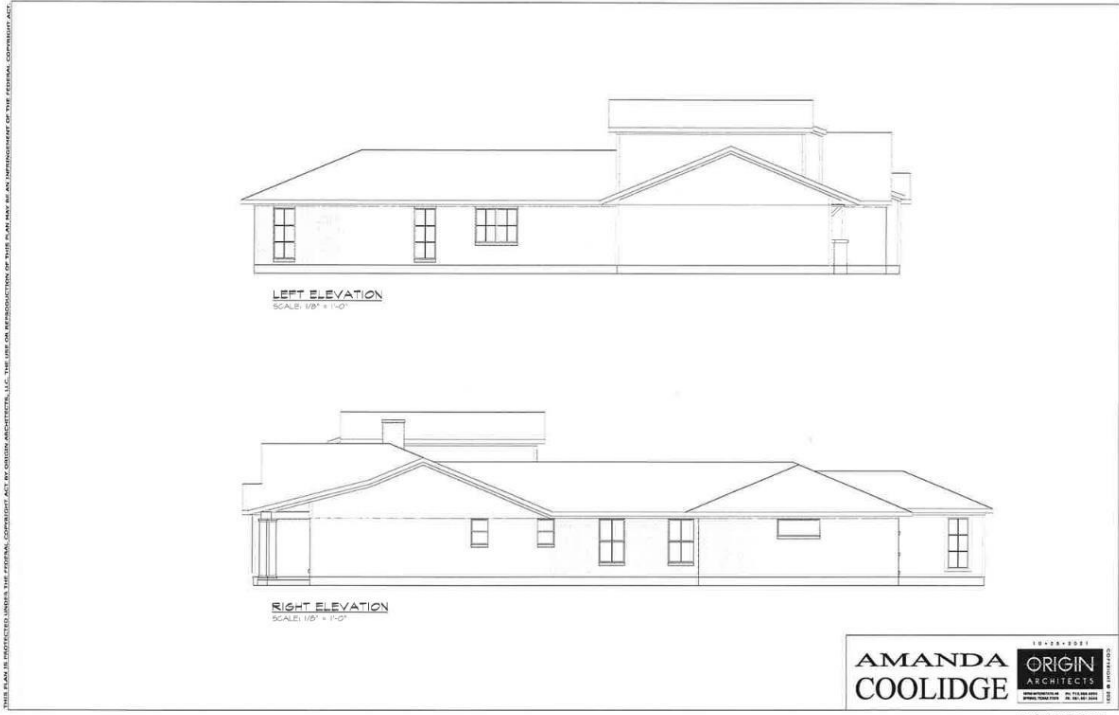


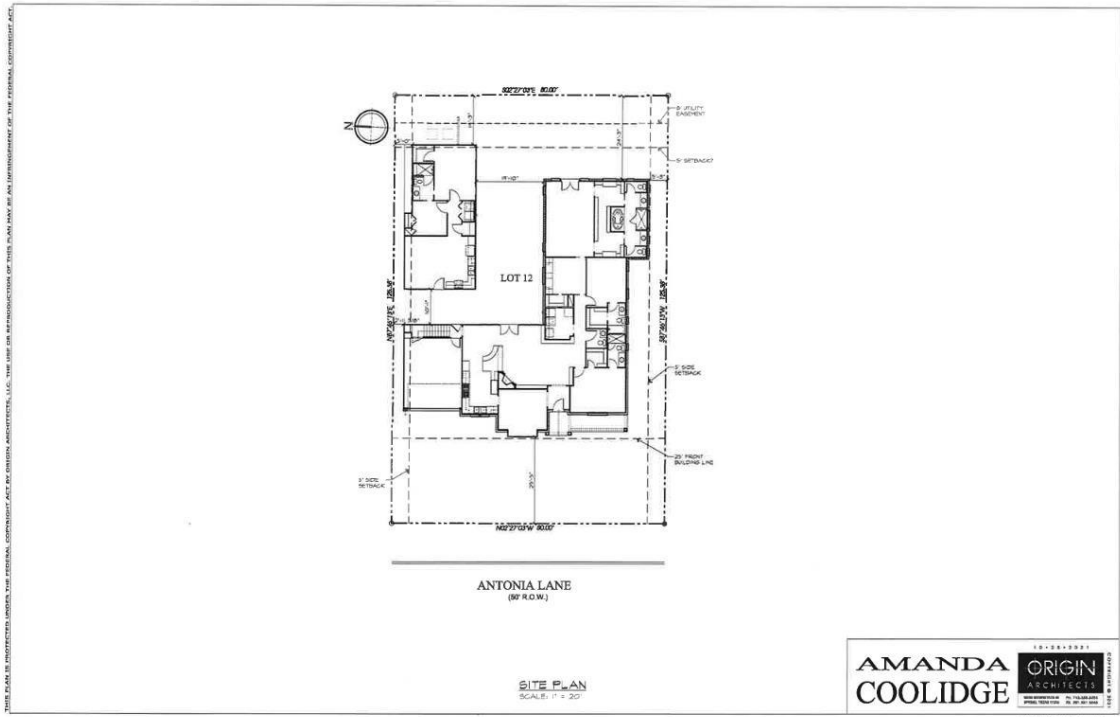














Revised: 4/29/2020

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

A complete application must include:

- / • **Application Fee: \$100 Residential (Except Multi-Family); \$250 Non-Residential & Multi-Family**
- / • **Letter explaining the variance in detail, including Description of Hardship**
- ✓ • **Metes & Bounds of property**
- ✓ • **Site Plan, Plot Plan, or Drawing showing the requested variance**
- ✓ • **Other necessary information (maps, drawings, pictures, etc.) to explain the variance**

Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Sec. 12.1 C of the Zoning Ordinance as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

In granting special exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

Revised: 4/29/2020

Description of Hardship

Please provide a letter explaining the hardship, demonstrating the following (address each variance requested):

1. That literal enforcement of the provisions of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
2. That there are special circumstances or conditions affecting the land involved such that the application of the provisions of the Zoning Ordinance would deprive the owner/applicant of the reasonable use of his/her land.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner/applicant.
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.
5. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
6. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.
7. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
8. That the granting of an individual variance will not set a precedent.

*Financial hardship shall not be considered grounds for the issuance of a variance.