

Marshall County Board of Zoning Appeals

Criteria for Approval

Special Exceptions/Uses

1. General Welfare – The proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
2. Development Standards – The requirements and development standards for the requested use as prescribed by this Ordinance will be met;
3. Ordinance Intent – Granting the special exception will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and
4. Comprehensive Plan – The proposed use will be consistent with the character of the zoning district in which it is located and the Marshall County;

Other Considerations:

- Topography and other natural site features;
- Zoning of the site and surrounding properties;
- Driveway locations; street access and vehicular and pedestrian traffic;
- Parking (including amount, location, and design);
- Landscaping, screening, buffering;
- Open space and other site amenities;
- Noise production and hours of any business operation;
- Design placement; architecture, and building material of the structure;
- Placement, design, intensity, height, and shielding of lights;
- Traffic generation; and
- General site layout as it relates to its surroundings

Variance of Use

1. General Welfare – The approval will not be injurious to the public health, safety, morals and general welfare of the community.
2. Adjacent Property – The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. Practical Difficulty – The strict application of the terms of this Ordinance will result in the practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain);
4. Unnecessary Hardship – The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and,
5. Comprehensive Plan – The granting of the variance does not interfere substantially with the Comprehensive Plan.

Variance of Development Standard

1. General Welfare – The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. Adjacent Property - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. Practical Difficulty – The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.