

D. Limitations: Where the purpose and effect of a proposed amendment to the zoning title are to change the zoning classification or seek a variation in use, the planning and development commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:

1. Existing uses of property within the general area of the property in question.
2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing and proposed zoning classification.
4. The trend of development, if any, in the general area of the property in question including changes, if any, which may have taken place since the property in question was placed in its current zoning classification.
5. Relevant history of the property in question. Variations and changes in use or zoning shall be considered for recommendation by the planning and development commission when they are in complete harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations pertaining to the use, construction or alteration of buildings or structures or the use of land. In its considerations of practical difficulties or particular hardship, the planning and development commission shall require evidence that:
  - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district; and
  - b. The plight of the owner is caused by unique circumstances; and
  - c. The variation or change, if granted, will not alter the essential character of the locality; and
  - d. The variation or change, if granted, will not create any violation of the performance standards of the zoning title or the relevant environmental laws of the United States and state.

The planning and development commission shall not recommend the adoption of a proposed amendment or a variation unless it finds that the adoption of the amendment or variation is in the public interest and is not solely in the interest of the petitioner.