

**CHAPTER 1147**  
**Variances**

<b>1147.01 Purpose.</b>	<b>1147.03 Criteria for approval.</b>
<b>1147.02 Application procedure.</b>	<b>1147.04 General procedure.</b>

**CROSS REFERENCES**

Authority to grant - see CHTR. Sec. 8.02; P. & Z. 1139.04

**1147.01 PURPOSE.**

The issuance of a variance to allow deviation from the strict interpretation of the applicable regulations contained in this Zoning Ordinance shall, unless otherwise established, be under the power of the Board of Zoning and Building Appeals. In no case shall the granting of a variance allow a use not permitted under district regulations nor shall the nonconforming use of land or structures be considered as grounds for issuance of a variance.  
(Ord. 07-01. Passed 4-4-01.)

**1147.02 APPLICATION PROCEDURE.**

(a) Application To Be Made. Written application for a variance shall be made to the Village Manager or his/her designee who shall transmit the application to the Board of Zoning and Building Appeals.

(b) Application Fee. The applicant shall pay a fee sufficient to cover costs of administration, advertising, review, publishing and reporting of the case, as established by current ordinance.

- (c) Contents of Application. The application must include the following:
- (1) Name, address and phone number of applicant(s); names and signatures of property owner(s) or designee.
  - (2) The address and legal description of the property in question.
  - (3) Description of type of variance and the proposed variance.
  - (4) A statement responding to the criteria for approval of such application.
  - (5) A list of property owners within 200 feet of the property on which the variance is to be considered, taken from a current County Auditor tax list or the County Treasurer's mailing list.
  - (6) Eight copies of the plot plan showing:
    - A. Boundaries and dimensions of the lot and the size and location of all proposed and existing structures. The application shall also include a map that shows all adjacent properties, including zones, with the approximate location of existing structures.

- B. Traffic access, traffic circulation, existing and proposed utilities, parking, tree locations, landscaping, signs, refuse and service areas and other such information relevant to the proposed variance.
  - C. The nature of any special conditions or circumstances.
- (7) Such additional information as may be required by this Zoning Ordinance or requested by the Board of Zoning and Building Appeals to review the application. (Ord. 07-01. Passed 4-4-01.)

#### **1147.03 CRITERIA FOR APPROVAL.**

The following considerations shall be examined in the review and the public hearing of an application for variance:

- (a) That special circumstances or conditions exist which are peculiar to the land or structure(s) involved and which are not applicable to other lands or structures in the same zoning districts.
- (b) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.
- (c) That the special conditions and circumstances do not result from the actions of the applicant.
- (d) That the granting of the variance will not confer on the applicant any undue privilege that is denied by this Ordinance to other lands or structures in the same zoning district.
- (e) That the granting of the variance will in no other manner adversely affect the health, safety and general welfare of the persons residing or working within the vicinity of the proposed variance. (Ord. 07-01. Passed 4-4-01.)

#### **1147.04 GENERAL PROCEDURE.**

- (a) Please refer to Chapter 1139 of the Codified Ordinances for the review procedure.
- (b) Issuance of Zoning and Architectural Permit. If the application for a variance is approved, the Board of Zoning and Building Appeals shall, after specifying such conditions as it may deem necessary, direct the Zoning Inspector to recommend that the Village Manager or his/her designee issue a Zoning and Architectural Permit to the applicant.
- (c) Appeals. Appeals from decisions of the Board of Zoning and Building Appeals may be had as provided in Chapter 1139. (Ord. 07-01. Passed 4-4-01.)