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CH14 8 .4 - Variances

- A. The Advisory Board may grant a variance from the development standards (such as height, bulk, area) of the zoning ordinance if, after a public hearing, it makes findings of fact in writing, that:
- i. the Advisory Plan Commission has determined that the variance application is not for a use variance, i.e. a variance from a use district or classification per Section 8.1 (D); and
 - ii. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - iii. 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
 - iv. the strict application of the terms of this Ordinance (a) is being applied to some condition peculiar to the property involved that is not common to other properties in the same zoning district; and (b) will result in an unusual and unnecessary hardship. This situation shall not be solely self-imposed, nor be based on a perceived reduction of or restriction on economic gain.
- B. The Advisory Board may permit or require the owner of a parcel of property to make written commitment concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A variance granted by The Advisory Board shall run with the land until such time as: (1) the use of the variance ends, or (2) the property conforms with the Ordinance as written.
- D. Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of variance, the Advisory Board may authorize such action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of this Ordinance in the same manner as if the variance had not been granted.