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## ARTICLE 15. VARIANCES

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### Section 1500. Variances

Variances to this Zoning Ordinance must be reviewed and approved by the Board of Zoning Appeals prior to the issuance of Zoning Certificates. See Article 18.

<sup>3 out of 5</sup>  
**1500.1 Variances Must Meet All Criteria.** The BZA shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. In authorizing a variance, the BZA may attach conditions and require such guarantee or bond as

it may deem necessary to assure compliance with the objectives of this Ordinance. On appeal, and where there is unnecessary physical hardship, the BZA may grant a variance in the application of the provisions of this zoning Ordinance only if all of the following findings are made:

(a) **Physical Characteristics Unique to the Property.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions of the property generally created by the provisions of the zoning Ordinance in the neighborhood or district in which the property is located, and

(b) **Physical Characteristic Unique to the Property Prevent Conformance with Regulations.** That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, and

(c) **Hardship Is Not Created by the Applicant.** That such unnecessary <sup>physical</sup> hardship has not been created by the applicant, and

(d) **Variance Will Not Adversely Impact Neighboring Properties.** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and *\* Keep*

(e) **Minimum Variance of the Regulations.** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**1500.2 Invalid Reasons for Variance.** Factors which are not strictly related to the physical characteristics of land, such as physical limitations of a structure or economic hardship, shall not be considered as valid reasons to grant a variance from the provisions of this Zoning Ordinance.

**1500.3 BZA May Recommend Zone Change.** The BZA may determine that the requested use or structure is not eligible for a variance, but may form the opinion that the proposed project is otherwise acceptable. The BZA may make a recommendation to the Council for an amendment to the Zoning Ordinance. Notwithstanding the action of the BZA, the applicant may apply for a zone change according to the Ordinances of the Village.