

5.3 Variances

- a. Applications for variances shall be filed with the Zoning Administrator along with a filing fee of \$10.00 and shall state the exceptional conditions of the lot and the peculiar and practical difficulties claimed as a basis for a variance.
- b. Referral to Board of Adjustment: All applications for variances shall be referred by the Zoning Administrator to the Board of Adjustment which shall hear the applicant, or representative thereof, at its next regular meeting. Applications must be filed by the last business day of the month in order to be heard during a public hearing at the Board of Adjustment's next regular meeting.

The Board of Adjustment shall determine such conditions relating to the granting of a variance as they deem necessary to adjust the hardship or special situation so as to carry out the intent and purpose of this Ordinance or shall deny the request. Notice of the application shall be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten (10) days nor more than sixty (60) days prior to the hearing. Notice will be published in the official newspaper at least ten (10) days, but not more than sixty (60) day prior to the hearing.

- c. Issuance of Variances: In considering all requests and in taking subsequent action, the Board of Adjustment shall make a finding showing that all of the following conditions exist:
(1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land. (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. (3) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which said property is situated and will not have an adverse effect upon traffic or traffic safety.
- d. Action by the Board of Adjustment: The Board of Adjustment shall reach a decision upon said request within sixty (60) days after the date of the above public hearing. The Board of Adjustment may grant variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances peculiar and unique to the individual premises, or property, under consideration, and may grant such a variance only when the applicant therefore has demonstrated that such action will be in keeping with the spirit and intent of this Ordinance with the Zoning District in which such a variance is applied for.

The Board of Adjustment may impose any condition in the granting of such variances in order to insure compliance with this Ordinance, or to protect adjacent property. No variance shall be granted pursuant to which the use of the property is extended or changed beyond the use permitted by this Ordinance in the District where such land is located.