

**CHECK LIST ANALYSIS FOR VARIANCES
(from 1969 Zoning Board material)**

- 1. Does the strict observance of the zoning ordinance impose a hardship (other than financial) on the applicant?**
- 2. Does the applicant have documentary evidence of the hardship claimed, such as an engineering report, soil scientist's report, photographs, doctor's statement, etc.?**
- 3. Is the hardship self-imposed?**
- 4. Is the hardship unique to this property or does it apply generally to other properties in the neighborhood?**
- 5. Is this the minimum variance that will permit reasonable use of the applicant's land and /or building?**
- 6. Will the variance requested be in harmony with the general purpose and intent of the zoning ordinance?**
- 7. Will the proposed use be compatible with existing uses in the neighborhood?**
- 8. Is the proposed use consistent with the county's/city's comprehensive plan?**
- 9. Are the necessary utilities available to serve this proposed use, i.e., water, sewer, gas, electricity?**
- 10. Will the proposed use adversely affect the value of surrounding properties?**
- 11. Is the existing street system adequate to handle the additional traffic generated by the proposed use?**
- 12. If granted, should special conditions be imposed on the development, such as, shrubbery to be used to screen the development from adjoining properties that a specified number of parking spaces be provided, etc.?**

AREA-BULK VARIANCE

An area-bulk variance is a relaxation of the strict application of the zoning regulation pertaining to lot size, setback, parking requirements, etc. The purpose of this variance is to provide relief for a property owner in cases where the zoning regulations impose an undue hardship. For example, if a person wants to build a house, but the lot on which the person wants to build has a deep gully across the back which prevents the building from meeting the required front yard setback, an area-bulk variance may be requested to reduce the required front yard setback enough to permit the house to be built.

In order to obtain an area-bulk variance, a public hearing must be held before the Zoning Board of Appeals. The applicant applies for a variance by completing the appropriate forms describing the "hardship" and submitting them to the Zoning Administrator. A site plan showing the applicant's lot and the minimum variance which would permit the proposed structure must be included with the application along with evidence substantiating the hardship, such as topographical maps, engineering reports, photographs, etc.

USE VARIANCE

A use variance is an exemption from the use regulations of a zoning district. That is, it permits an activity which is not a permitted use in the zone district in which it is located. Here again, as in the case of area-bulk variances, the purpose of allowing such variances is to provide relief for a property owner in cases where the strict adherence to the zoning ordinance would impose unreasonable hardship. Specific conditions or stipulations may be placed on such a variance, such as requiring that sufficient off-street parking be provided, that this parking area be concealed from view of other properties by a solid fence or shrubs, that the fence or shrubs be properly maintained, that only a small, non-illuminated sign be permitted, and such other stipulations as are deemed necessary to protect the surround property values.

When hearing requests for use variances, the Zoning Board of Appeals should take care to avoid the indiscriminate granting of these variances, as they can weaken a community's zoning regulations by permitting changes in use which are not reflected on the zoning map. Furthermore, since they usually involve only small parcels of land, use variances often have the same effect as spot zoning which has been ruled improper by courts. If a change in use is justified, a zoning amendment should be used whenever possible to avoid abusing the authority to grant use variances and to maintain the original purpose of the zoning districts.

Use variance applications are available at the office of the Village Clerk. A site plan of the proposed use of the property and a statement describing what should be attached to the application form. The Zoning Administrator may also require that other substantiation evidence be submitted. It is desirable to obtain as much

pertinent information each case as possible for consideration by the Zoning Board of Appeals at the public hearing.