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## Information about Board of Zoning Appeals

Fees to apply for a Variance, Extension of Nonconforming Residential Uses, and Continue of Nonconforming Use = \$200 with an addition \$6.49 cost per certified letter required to notify surrounding property owners.

**11-6.2 Request for a Variance:** The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this resolution in the district in question. Variance may be granted upon finding by the Board that certain of the following exist:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b) the application of these regulations to this particular piece of property would create an unnecessary hardship; and
- c) such conditions are peculiar to the particular piece of property involved; and
- d) relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures, or buildings in other districts as grounds for the issuance of a variance.

**11-6.3 Request for Extension of Nonconforming Residential Uses:** The Board may authorize upon appeal in specific cases an extension or replacement of an existing nonconforming residential use which the Board is specifically authorized to pass on under the terms of this ordinance. Said extension may be granted in an individual case upon finding by the Board that:

- a) The use is a nonconforming use as defined in these regulations; and
- b) the use is in full compliance with all requirements of these regulations applicable to nonconforming uses; and
- c) the extension of said use will not further injure a permitted use on adjacent property in the same district.
- d) This section is specifically designed to allow for the replacement of homeowner occupied residential units in areas no longer zoned for residential uses. As such, this provision is not subject to the limits of Section 8-5.

**11-6.4 Continuance of Nonconforming Use:** The Board of Appeals may allow a nonconforming use to be reestablished after discontinuance for 12 consecutive months where it is deemed by the Board of Appeals that:

- a) the design, construction, and character of the building is not suitable for uses permitted in a district in which nonconforming use is situated, and
- b) undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use, and
- c) adjacent property would not be unduly damaged by such use of the building, and
- d) the use is to be identical to the prior nonconforming use of the building.

\*\*Applications can be submitted at any time to the City Hall, however the Board of Zoning Appeals will hear the case approximately 3 weeks after that, due to advertisement and posting requirements.