

CHAPTER 8

VARIATIONS

9-8-1: Intent

In order to accomplish the general purpose of this Title, consideration must be given to certain practical difficulties or hardships in carrying out the strict letter of regulations of this Title. The purpose of the variation is to provide relief from such difficulties and hardships resulting from the bulk, setback, parking and loading requirements of this Title. The term “variation” as used in this Title, does not include a map or text amendment to this Title nor does it include a special use.

9-8-2: Authorized Variations

Variations from the regulations of this Title shall be reviewed and heard by the Zoning Board of Appeals and then decided by the Village Board by ordinance.

9-8-3: Standards for Variations

The regulations of this Title shall not be varied by the Village Board unless evidence presented to the Zoning Board of Appeals in each specific case, demonstrates:

1. The particular surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;
2. The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property within the same zoning classification;
3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property;
4. The alleged difficulty or hardship is caused by the Title and has not been created by any person presently having an interest in the property;
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located;

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety of substantially diminish or impair property values within the adjacent neighborhood;
7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings of the same district.