

Village of Fall Creek
VARIANCE PETITION APPLICATION

Year

House #

Street Name

§ 268-95. **VARIANCES.** Purpose. The **Zoning Board of Appeals** may vary the regulations of this chapter in harmony with its general purpose and intent, but only in specific instances where the Board makes a finding of fact based on the standards prescribed in Subsection E. The Board may upon appeal in specific cases grant such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship and so that the spirit and intent of this chapter shall be observed and substantial justice done. The Board may impose conditions when granting variances to ensure that the variance is the minimum necessary to avoid undue hardship, ensure compliance with the limitations of the variance granted and to protect adjacent properties. For purposes of this section "unnecessary hardship" shall be defined to mean an unusual or extreme decrease in the adaptability of the property to the uses permitted in the zoning district which is caused by conditions unique to the particular property as distinguished from those applicable to most or all property in the same zoning district.

USE VARIANCE: Under NO circumstances shall the Board have the power to grant a variance for any use that is not permitted under the zoning district.

AREA VARIANCE: Variances permitted under this section shall be limited to the following so-called area variances which are limited to height, bulk, setbacks, area, yard, parking, and basement requirements, only.

The application for a variance shall be filed with the **ZONING ADMINISTRATOR**.

Today's Date _____

Address, or description of property involved: _____

Property Tax ID Number: 127- _____

Describe the petition you are requesting: _____

Name - Address - Phone Number of
Person or Corporation filing for petition:

Name - Address - Phone Number of
Property Owner (if different from petitioner):

Email _____

Email _____

Complete one:

[] As Owner, I do hereby certify that the above information is true and correct to the best of my knowledge.

Owner's Signature

[] As Authorized Agent, I do hereby certify that the above information is true and correct to the best of my knowledge.

Authorized Agent's Signature

FILING FEE: \$150.00 Date Paid _____ Payment Received By _____

Approved
Denied

ADDITIONAL INFORMATION REQUIRED:
(Clerk's office and/or Zoning Administrator can assist in obtaining)

- Legal description of property involved (attach map showing exact property included in the zoning request)
- Accurate drawing of site and surrounding area for a distance of at least 300 feet from each boundary.
- List of names and addresses of adjacent property owners.

§ 268-95.C. HEARING OF APPLICATION. The **ZONING BOARD OF APPEALS** shall conduct at least one **PUBLIC HEARING** on the proposed variance. **NOTICE OF THE HEARING SHALL BE PUBLISHED NOT MORE THAN 30 DAYS AND NOT LESS THAN 15 DAYS BEFORE THE PUBLIC HEARING** in a newspaper of general circulation in the village. Owners of adjacent properties shall also be notified, in writing. Their failure to get the notice or attend the public hearing shall not invalidate the proceedings.

- Dates of Public Notice published in newspaper (attachments): _____
- Date Adjacent Property Owner's were notified (attachments): _____
- Date of Public Hearing/Zoning Board of Appeals meeting: _____
- Copies of Agenda/Map/List of Adjacent Property Owners sent to Zoning Board of Appeals

§ 268-95.D. DISPOSITION BY ZONING BOARD OF APPEALS. The Board shall make an affirmative or negative decision within 30 days after the public hearing. The concurring vote of four members of the Board is necessary to authorize any variance in this chapter. A copy of the variance shall be supplied to the Zoning Administrator within 10 days of passage, and it shall be accompanied by a written finding of fact and reasons for granting the variance, in accordance with Subsection E.

§ 268-95.E. STANDARDS. For the Zoning Board of Appeals to make an affirmative decision, it must find that:

1. In the absence of the granting a variance, if the strict letter of a zoning regulation is enforced an unnecessary hardship will result to the owner as distinguished from a mere inconvenience;
2. Unique circumstances or conditions applying to the land or building which do not apply generally to land or buildings in the same zoning district;
3. The purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land;
4. Granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land.
5. Granting of such variance will not, under the circumstances of this particular case, materially affect and adversely affect the health, welfare, and safety of person residing or working in close proximity of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood or zoning district.

Any unused variance shall become void one year after the date of issue or upon the sale of the property. A variance may be renewed for an additional period of up to two years by application to and approval of the Village Board.

ZONING ADMINISTRATOR NOTES:

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