

including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact.

3. Procedure for Major Variance

- a. Major variances, defined as any variance other than those described in Paragraphs D.1 (Administrative Variance) and D.2 (Minor Variance) above, shall be reviewed by the Zoning Board of Appeals in a public hearing, but the Board shall have no authority to grant final approval for such major variances.
- b. The Zoning Board of Appeals shall conduct a public hearing in accordance with Section 3.4 (Public Hearing) within sixty (60) days of receipt of a complete application. The Zoning Board of Appeals shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the standards in Paragraph E (Findings of Fact) below. If, in the Zoning Board of Appeal's judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Board may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information.
- c. The Zoning Board of Appeals shall recommend approval or approval with conditions, or shall deny the application. The Zoning Board of Appeals shall, within forty-five (45) days of the close of the public hearing, forward its recommendation to the City Council. If the Board shall vote to deny an application, such action shall constitute a final administrative decision.
- d. The City Council shall consider the major variance by enactment of an ordinance within thirty (30) days of receipt of the Zoning Board of Appeals recommendation. The City Council may also refer the application back to the Zoning Board of Appeals for further consideration.
- e. The Zoning Board of Appeals may recommend, and the City Council may impose, such conditions and restrictions upon the location, construction, design and use of the property benefited by a variance as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the variance. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact.

E. Findings of Fact

1. No variance from the provisions of this Ordinance shall be granted unless the Zoning Administrator, the Zoning Board of Appeals and City Council makes specific written findings of fact based directly on the standards and conditions imposed by this section. These standards are as follows:
 - a. The strict application of the terms of this Zoning Ordinance will result in undue hardship.
 - b. The plight of the owner is due to unique circumstances.
 - c. The variance, if granted, will not alter the essential character of the locality.

2. The Zoning Administrator, Zoning Board of Appeals or City Council, in making its findings of fact, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
 - a. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - b. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question nor by any person in privity with the person having a proprietary interest.
 - c. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located.
 - d. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or impair property values within the neighborhood.
 - e. The proposed variance is consistent with the spirit and intent of this Ordinance and the adopted Comprehensive Plan.
 - f. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

F. Variance Less Than Requested

A variance less than that requested may be granted by the appropriate administrative body when the record supports the applicant's right to some relief, but not to the entire relief requested.

G. Limitations on Variances

1. Application for a zoning certificate is made within six (6) months of the grant, unless a grant of a variance shall expire and be of no further effect; and
2. Construction, pursuant to a building permit has been commenced within twelve (12) months of the grant; and
3. An occupancy certificate is obtained and a use is commenced within twenty-four (24) months of the grant.

The Zoning Board of Appeals may grant additional extensions of time, not exceeding one hundred eighty (180) days each, upon written application made within the initial time periods without further notice or hearing. However, this power to so extend the time period shall not include the power to grant additional relief by expanding the scope of the variance.

H. Limitations on Denials

No application for a variance which has been denied by the City Council or Zoning Board of Appeals shall be reconsidered for a period of one (1) year from that date of denial.