

Please use this sheet for your personal reference in reviewing the request.

**Board of Zoning Appeals - VARIANCE**

150.264 FINDINGS AND ACTIONS

*(Note: "This Chapter" refers to Chapter 150 Zoning Code of the City of Decatur)*

The Board must determine that the granting of a VARIANCE will –

- not be contrary to the public interest
- applicant has fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this chapter will result in **unnecessary hardship**
- the spirit of this chapter shall be observed and substantial justice done

In considering all appeals or variances to this chapter, the Board shall first determine that the granting of VARIANCE –

(1) **Will or Will not** permit any use in any district which would be in conflict with the permitted uses of the district under the terms of this chapter. Comments\_\_\_\_\_

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(2) **Will or Will not** impair an adequate supply of light and air to adjacent property.

Comments\_\_\_\_\_

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(3) **Will or Will not** unreasonably increase the congestion in public streets.

Comments\_\_\_\_\_

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(4) **Will or Will not** increase the danger of fire or of the public safety. Comments\_\_\_\_\_

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(5) **Will or Will not** unreasonably diminish or impair established property values within the surrounding area. Comments \_\_\_\_\_

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(6) **Will or Will not** in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city. Comments \_\_\_\_\_

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**Board of Zoning Appeals – SPECIAL EXCEPTION**

150.190 THRU 150.210 PROCEDURE AND REQUIREMENTS

A Special Exception is required for uses of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

The Board may authorize a special exception for certain uses as defined in this chapter providing the applicant has provided information that the proposed special exception will be in compliance with all applicable conditions and requirements of this chapter.

(1) The establishment, maintenance, or operation of the special exception **will not** be detrimental to or endanger the public health, safety, morals, or general welfare.

Comments \_\_\_\_\_

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(2) The Special Exception **will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood. Comments\_\_\_\_\_

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(3) The establishment of the special exception **will not** impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Comments\_\_\_\_\_

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(4) Adequate utilities, access roads, drainage, and other necessary facilities **have been or are being** provided. Comments\_\_\_\_\_

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(5) Adequate measures **have been or will be** taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. Comments\_\_\_\_\_

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(6) The Special Exception **will be** located in a district where such use is permitted and where all other requirements set forth in 150.193 applicable to the special exception will be met.

Comments\_\_\_\_\_

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