

## **Village of Bayside Board of Zoning Appeals Procedure**

The Board of Zoning Appeals meets on an as-needed basis throughout the year. They meet to hear appeals of decisions of Village entities and officials and cases in which property owners would like to use or improve their property in a way that does not meet Village Code.

### Applications:

In order to appear before the Board of Zoning Appeals, you must:

- Submit your application,
- Provide a detailed description (including plans where applicable) describing your lot and project or the decision you are appealing from, and  Pay the \$500 filing fee.

The applicant or their representative must be present at the meeting. The Board hears Administrative Appeals, Special Exceptions, and Variances.

### Appeals:

Any aggrieved person can appeal any decision of a Village entity, employee or officer to the Board of Zoning Appeals. This does not apply to decisions of the Village Board, Board of Review, or Municipal Court.

### Special Exceptions:

Special Exceptions are use or dimensional exceptions listed in the zoning ordinance that are not permitted by right, but may be granted if certain conditions are met. When considering a special exception, the Board of Appeals makes a recommendation to the Board of Trustees who then makes a binding decision. When making their recommendation, the Board of Zoning Appeals must find that:

1. Compliance with the Code would be unreasonably burdensome, or
2. Compliance with the Code would unreasonably and negatively impact the use of the property, and
3. A Special Exception would be consistent with the existing character of the neighborhood,
4. A Special Exception would not undermine the ability to apply or enforce the requirement with respect to other property, and
5. A Special Exception would be in harmony with the general purpose and intent of the ordinance prescribing the requirement.

### Variances:

Variances are a relaxation of a standard in an ordinance. To qualify for a Variance, the applicant must demonstrate that their property meets the following three requirements:

1. Compliance with the Code causes unnecessary hardship
2. There are limitations unique to the property or situation, and
3. The Variance would not be contrary to public interest

Variations can be categorized as either an Area Variance or a Use Variance. An Area Variance provides relief from a dimensional restriction such as a building height, area or setback. A Use Variance permits the landowner to put the property to a use that is otherwise prohibited.

The Meeting:

Once all of the required information has been submitted, the meeting will be scheduled generally within two to three weeks (If you have applied for a Special Exception, you will be placed on the agenda of the next regularly scheduled Board of Trustees meeting as well.). At the meeting you will be asked to present your case. You can present any witnesses or documents you think support your cause. You are not subject to the rules of evidence but you must follow the instructions of the Chair. In most cases the Board will make its decision that evening. If you requested a Special Exception and received a positive recommendation from the Board of Zoning Appeals you will then proceed to the Village Board.

(This document is provided for convenience only. It is not to be taken as Legal Advice.)



## APPLICATION FOR VARIANCE

### Statutory Requirements

State law does not allow the Zoning Board of Appeals to approve a variance unless the situation meets all three of the specific tests listed below. State how and why your situation and request satisfies these tests.

Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would deny the applicant all reasonable use of the property because:

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The hardship is due to physical limitations of the property rather than the circumstances of the appellant because (economic or self-imposed hardships do not meet this test):

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The variance will not be contrary to the public interest as expressed by the objectives of the Zoning Ordinance because:

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Do you desire a court reporter, at your expense? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Applicant Printed Name

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

Fee: \$500.00