

## What is the Difference Between a Major and a Minor Variance?

A minor variance is recognized as having potential impact on the immediate neighborhood and adjoining properties; whereas, a major variance is recognized as having potential impact on the larger area and may affect enforcement of the zoning ordinance elsewhere in the City.

Minor Variances. The Zoning Board of Appeals has the authority to grant variances for the following reasons:

1. To permit a variance of the depth of a required front or rear yard or the width of a required side yard except that the variance shall not reduce the required yards by greater than 25% of the requirements.
2. To permit the creation of a new lot with less lot area than required except that the variance shall not reduce the required lot area by greater than 10%.
3. To permit the creation of a new lot with less lot width than required except that the variance shall not reduce the required lot width by greater than 15%.
4. To permit a 5% increase in the required floor area ratio and a 5% decrease in the required open space ratio.
5. To permit up to a 25% decrease in the number of parking spaces required.
6. To permit the Zoning Administrator to approve a building permit or Certificate of Occupancy allowing the substitution of one nonconforming use for another in accordance with Section X-3.
7. To permit accessory off-street parking in a location other than the zoning lot of the principal use or within 600 feet, as provided in Section VIII-4.L and Section V-3.G.
8. To permit the postponement of the termination of a nonconforming use of land, as required by Section X-6, for a period not to exceed five years.

9. To allow a sign to exceed the maximum height or area, as provided in Section IX-4 through Section IX-6 by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.
10. To grant a variance from the provisions of Section X-9.B, so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming outdoor advertising sign structure where such change, alteration, re-establishment, or maintenance shall not increase the size of the outdoor advertising sign structure, make it radiate or reflect more light, or otherwise make it visually more objectionable.

Those variance requests not qualifying as minor variances are classified as major variances. A major variance request is heard by the Zoning Board of Appeals, then passed to the City Council with a recommendation. The Council grants or denies the major variance.



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# VARIANCES

## A Citizens Guide To Zoning Variances



- What is a Variance?
- Who Can Grant a Variance?
- What is the ZBA?
- Where Can I Obtain a Variance Application?
- What is the application procedure?
- How Long is the Application Process?
- What are the Appropriate Fees?
- What is the Difference Between a Major and a Minor Variance?

## What is a Variance?

A variance is a special permission, granted through a quasi-judicial process, granting relief from one or more zoning requirements. A variance may only be granted when, as determined by the Zoning Board of Appeals or City Council, special circumstances or special practical difficulties exist in carrying out the strict application of the Zoning Ordinance.

## Who Can Grant a Variance?

The Zoning Board of Appeals or the City Council grants variances.

## What is the ZBA?

The Zoning Board of Appeals (ZBA) is a commission of Urbana citizens that have the power and duty to hear and decide minor variances and conditional use requests and to recommend approval of major variances to the Urbana City Council.

## Where Can I Obtain a Variance Application?

Applications for minor and major variances are available in the office of the Community Development Services Department. Downloadable and pdf copies of the application are also available on the City's website, [www.urbanaininois.us](http://www.urbanaininois.us). Click on the **Government** tab, click on **Boards & Commissions**, click on **Zoning Board of Appeals**, and then click on **Zoning Forms**.

# VARIANCE APPLICATION PROCESS

Applications submitted to the Secretary of the Zoning Board of Appeals must be signed by more than 50% of the owners of the subject property. Each application for a variance must be accompanied by payment of the application fee.

City staff organizes a public hearing which meets notification requirements specified in Section XI-10 of the Zoning Ordinance.

The Zoning Board of Appeals holds a public hearing in accordance with established procedures and the requirements of the Urbana City Code.

The Zoning Board of Appeals determines whether the reasons set forth in the application and the evidence provided at the public hearing justify the granting of a variance based upon the criteria specified in the Zoning Ordinance.

**MINOR VARIANCE:** The Zoning Board of Appeals will authorize or deny minor variance requests and may also impose such additional conditions as are deemed appropriate or necessary for the public health, safety and welfare and to carry out the purposes of the Zoning Ordinance.

**MAJOR VARIANCE:** The Zoning Board of Appeals will consider major variances and make a recommendation to the City Council. Applications will be forwarded to the City Council only if the Board recommends their approval by a two-thirds majority of the members present and voting; otherwise, the variance is denied and the Board's findings will be the final administrative decision on such variance. The City Council shall have the authority to grant or deny major variance requests that the Board forwards.

## How Long is the Application Process?

Generally speaking, the variance process takes 4-6 weeks, depending on when the application is received. City staff must receive an application at least 24 days before a public hearing.

## What Are the Fees for a Variance?

Please contact the Planning Division staff at (217) 384-2440 for the application fee amount. Applicants are also responsible for paying the cost of the legal publication fees as well. These fees typically range from \$75.00 to \$150.00. The applicant is billed separately by the News-Gazette.

All fees should be paid in cash, check or money order. Please note that credit cards are not accepted.