

Section XXXVII – ACCELERATED VARIANCE PROCEDURE FOR AMERICANS WITH DISABILITIES  
(Adopted June 3, 2014 by resolution 2014-66, effective July 3, 2014).

37.01 Definitions

- A. Disabled Person: an individual having (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such impairment.
- B. Reasonable Accommodation: an accommodation is reasonable if it is both efficacious and proportional to the cost of implementation. An accommodation is unreasonable; however, if it imposes undue financial or administrative burdens or requires a fundamental alteration in the nature of a program or rule. A zoning waiver is unreasonable if it is so at odds with the purpose behind the rule that it would be a fundamental and unreasonable change.

37.02 Accelerated Variance Procedure

- A. In the event a disabled person who is either the owner or tenant of a single family residential dwelling seeks either an area or use variance from the strict application of the zoning resolution, and the requested variance directly relates to a reasonable accommodation of the applicant's disability, the zoning inspector may immediately grant the variance subject to subsequent ratification or reversal by the Board of Zoning Appeals at its next regularly scheduled meeting.
- B. In the event the zoning inspector determines that the immediate granting of the requested variance is proper, the inspector shall immediately issue notice of his or her decision to all landowners required to be notified by law of the variance request. The notice to all such landowners shall inform them of the nature of the requested variance, of the zoning inspector's granting of such variance, and the date and time the matter will be heard by the Board of Zoning Appeals. The notice shall also inquire as to whether the adjoining landowners approve of or object to the requested variance and shall request a written response from said landowner within the seven days of receipt of said notice.