

Sec. 10-5.6 Rehearings.

An application for a rehearing may be made in the same manner as provided for an original hearing.

Sec. 10-5.7 Time Limit on Board's Decision.

The Board of Appeals shall reach a decision following a public hearing within a reasonable period of time; however, said period shall not exceed 30 days.

Sec. 10-6 Powers and Duties.

Sec. 10-6.1 Appeals from Actions of the Zoning Administrator.

The Board of Appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance.

Sec. 10-6.2 Request for Permission to Establish Uses.

The Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of these regulations.

The application to establish such use shall be approved on a finding by the Board of Appeals that:

- a. The proposed use does not affect adversely the general plans for the physical development of Chatham County, as embodied in these regulations and in any Master Plan or portion thereof adopted by the Commissioners of Chatham County.
- b. The proposed use will not be contrary to the purpose stated for these regulations.
- c. The proposed use will not affect adversely the health and safety of residents or workers in Chatham County.
- d. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- e. The proposed use will not be affected adversely by the existing uses.
- f. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.

- g. The proposed use will not constitute a nuisance or hazard because of the number of person who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
- h. The standards set forth for each particular use for which a permit may be granted have been met.
  - i. Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.
- j. Provided, that the proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located.
- k. Provided, that the proposed use shall be subject to the off-street parking and service requirements of these regulations.
- l. Provided, that wherever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Use approval granted by the Board of Appeals shall be subject to the following provisions:

- a. The use approval shall run with the property. The sale or transfer of an approved use to a new owner or tenant shall not require re-approval by the Board of Appeals.
- b. The use approval shall apply only to the specific location on the property, configuration and intensity as identified in the site plan submitted with the use approval application and as approved by the Board.
- c. Relocation of the use on the site, expansion of the use, or the establishment of additional similar uses on the site (where permitted by the district within which it is located) requires a new sue approval application to the Board.
- d. Any approved use which ceases to operate for a period of one year shall require Board approval to be reestablished.

### Sec. 10-6.3 Request for a Variance.

The Board of Appeals may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted to permit a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- b. The application of these regulations to this particular piece of property would create an unnecessary hardship.
- c. Such conditions are peculiar to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations.

### Sec. 10-6.4 Request for Extension of Nonconforming Use.

The Board of Appeals may authorize, upon appeal in specific cases, an extension of an existing nonconforming use involving an increase in either or both the land area or the floor area in a building or buildings occupied by a nonconforming use, and an extension of an existing nonconforming use involving an increase in the land area occupied by an open use of land which is a nonconforming use. Said extension may be granted in an individual case upon a finding by the Board of Appeals that:

- a. The use is a nonconforming use as defined in these regulations.
- b. The use is in full compliance with all requirements of these regulations applicable to nonconforming uses.
- c. The extension of said use will not further injure a permitted use of adjacent property in the same zoning district.