

## **Amendment to Article 96: Board of Appeals**

### 9604. Voiding of and Reapplication for Variance:

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance may become null and void unless:
  - 1. The construction authorized by such variance or permit has begun within three hundred sixty-five (365) days after the granting of such variance and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance has taken place within three hundred sixty-five (365) days after the granting of such variance.
- ~~B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.~~
- B. Upon payment of the required fees and costs, an application for variance that has been withdrawn by the applicant at the ZBA hearing or denied wholly or in part by the Board of Appeals may be resubmitted for consideration where the Board of Appeals finds grounds for new evidence, proof of changed conditions, or where the scope of the project and / or variance(s) sought are substantially lessened, as determined by the Zoning Administrator.**
- C. The Zoning Administrator shall have the authority to determine if the application for variance meets the requirements of #2 of this section (above). The decision of the Zoning Administrator may be appealed to the ZBA. After a public hearing to review the resubmission with changes, the Board of Appeals may rule not to reconsider the application or to deny the requested variance(s) as insufficiently different from the initial application, or for any other reason given in this ordinance.**