

16.6.2 Use Variances

The Board of Appeals shall not grant a special land use variance or take any action that would effectively grant a use variance. *Further the Board of Appeals shall not otherwise allow a use that is not in keeping with the spirit of the Ordinance or with the Zoning District in question.*

16.6.3 Conditions of Approval

In authorizing a variance, the Board of Appeals may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 22.2.2.

16.6.4 Voiding of Variance

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- a) The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion; or
- b) The occupancy and operation of land or buildings authorized by such variance has taken place within two (2) years after the granting of such variance.

16.6.5 Extension of Approval

The Board of Appeals may, at its discretion, extend the approved variance for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year. Such extension must be requested in writing by the applicant and granted by the Zoning Board of Appeals prior to the variance becoming void pursuant to Section 16.6.4. No extension of approval shall be granted to a variance that has become void.

16.6.6 Reapplication

No application for a variance which has been denied wholly or in part by the Board of Appeals shall be re-submitted for a period of one (1) year after such denial, except on grounds of new evidence or proof of changed conditions.