

**CHAPTER 27**  
**Signs and Outdoor Advertising**

**27.08 Appeals and Variances (Am. #1-19)**

**(Am. #1-19)**

- (1) Availability and Purpose.** Appeals from decisions of the City Planner with regard to sign permits, and requests for variances from the provisions of this Chapter, are available to persons having an interest that is harmed by the decision of the City Planner. Appeals are for the purpose of correcting errors in the interpretation or application of the provisions of this Chapter. Variances are for the purpose of relaxing the rules of this Chapter to address situations where special circumstances make the strict application of this Chapter unreasonable or unfair.
- (2) Appeals.**

  - (a)** The Plan Commission shall hear appeals from the decisions of the City Planner concerning the approval, denial, or conditional approval of applications for sign permits. Appeals shall be filed with the Department within 20 days of the date of the City Planner's decision, using a form supplied by the Department, along with the applicable fee.
  - (b)** Appeals must include a written, concise, detailed basis for the appeal, including specific references to the provisions of this Chapter that the City Planner is alleged to have applied improperly or which otherwise support the appeal.
  - (c)** The Plan Commission shall place the hearing of the appeal on the agenda for a regularly-scheduled Plan Commission meeting not sooner than 30 calendar days after the date of filing of the appeal and not later than 60 calendar days after the date of filing of the appeal. Written notice of the date, time, and location of the Plan Commission meeting at which the appeal will be heard shall be given to interested parties no later than 10 days before the date of the meeting. Any party may appear at the hearing in person or by an attorney.
  - (d)** The Plan Commission may reverse or modify the determination of the City Planner if it determines that the City Planner improperly applied the provisions of this Chapter, or abused his or her discretion by failing to state a reasonable basis for his or her exercise of discretion.
  - (e)** The Plan Commission shall make its findings and decision in writing, setting forth the reasons for the decision. The decision shall be filed with the City Clerk and shall be issued within 30 days of the hearing. A copy of the written decision shall be mailed to the appellant and forwarded to the Department.
- (3) Variances.**

  - (a)** The Plan Commission may grant variances from the strict application of the requirements of this Chapter when there are special circumstances present that would make strict enforcement unjust, inequitable, unfair, or unreasonable, and granting a variance would not negate the overall policy goals and purposes of this Chapter. The burden of proof is on the applicant to show that strict application of the requirements of this Chapter would be unjust, inequitable, unfair, or unreasonable under the circumstances.
  - (b)** Variances may only be requested after a denial of an application for a sign permit or the imposition of conditions in a sign permit; or in connection with a site plan and architectural review by the Plan Commission, as provided in §27.08(3)(1).

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- (c) The Plan Commission may not grant variances on the grounds that it disagrees with a provision or provisions of this Chapter, and in granting a variance the Plan Commission may not override the policy and purpose of this Chapter.
- (d) The Plan Commission may not grant variances from the following provisions of this Chapter, under any circumstances:
  - (i) Any limitation on Sign brightness or luminance.
  - (ii) Any limitation on scrolling, flashing, displaying video, and frequency of change of display.
  - (iii) Any Construction standards and maintenance requirements.
  - (iv) Any requirement for a permit.
- (e) Requests for variances shall be filed with the Department within 20 days of the date of the City Planner's decision, along with the applicable fee.
- (f) Requests for variances must include a written, concise, detailed basis for the request, including a description of the special circumstances that would make the strict application of the requirements of this Chapter unjust, inequitable, unfair, or unreasonable.
- (g) The Plan Commission shall place the hearing of the variance request on the agenda for a regularly-scheduled Plan Commission meeting not sooner than 30 calendar days after the date of filing of the request and not later than 60 calendar days after the date of filing of the request. Written notice of the date, time, and location of the Plan Commission meeting at which the request will be heard shall be given to interested parties no later than 10 days before the date of the meeting. Any party may appear at the hearing in person or by an attorney.
- (h) The Plan Commission may grant a variance from the provisions of this Chapter if the applicant provides proof satisfactory to the Plan Commission that there are special circumstances existing at the Premises where the Sign is proposed that would make strict enforcement unjust, inequitable, unfair, or unreasonable; and the Plan Commission determines that a variance from the strict application of the requirements of this Chapter would not negate the policy and purpose of this Chapter.
- (i) Variances may be granted only to the extent necessary to avoid the enforcement of this Chapter from being unjust, inequitable, unfair, or unreasonable.
- (j) Any variance granted by the Plan Commission shall be applicable only to the particular circumstances shown by the applicant, and shall not apply to any other Sign at any other location.
- (k) The Plan Commission shall make its findings and decision in writing, setting forth the reasons for the decision and specifying the sections of this Chapter that are being varied and in what ways. The decision shall be filed with the City Clerk and shall be issued within 30 days of the hearing. A copy of the written decision shall be mailed to the appellant and forwarded to the Department.

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- (1) The Plan Commission may also grant variances from the requirements of this Chapter as part of the Site Plan and Architectural Review required by Municipal Code §22.15, but all of the requirements of this section must be met to do so.
- (4) **Further Appeals.** Appeals of any decisions of the Plan Commission regarding Chapter 27 shall be by certiorari directly to the Circuit Court.