

- (4) That granting the variance requested will not confer upon the applicant any special privileges that are denied by this Ordinance to other lands, structures, or buildings in the same district.
 - (5) That no nonconforming use of neighboring land, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts will be considered grounds for the issuance of a variance.
- B. Notice of public hearing shall be given as set forth in Section 44, B-2. At the public hearing which is held, any party may appear in person, by agent, or by attorney.
 - C. The Board of Adjustment shall make findings that the requirements of Section 44 have been met for a variance.
 - D. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum one that will make possible the reasonable use of the land, building, or structure.
 - E. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - F. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article XIII of this Ordinance.
 - G. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance.

ARTICLE XIII - LEGAL PROVISIONS

Section 45 - Interpretation-Purpose and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, provided that nothing in this Ordinance shall be construed to amend or repeal any other existing Ordinance of the Town.

Section 46 - Reenactment and Repeal of Existing Zoning Ordinance

This Ordinance, in part, carries forward by reenactment some of the provisions of the Zoning Ordinance of the Town of Sparta adopted by the Town Board, September 4, 1964, as amended, and it is not the intention to repeal but rather to reenact and continue, in force, such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the Town of Sparta enacted in 1964, as amended, which are reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Zoning Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Chapter shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

ARTICLE XIV - AMENDMENTS AND CHANGES

Section 47 - Motion to Amend

The Town Board may, on its own motion or upon recommendation of the Planning Board, or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend or repeal the regulations or the maps which are a part of this Chapter. No regulations or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which time all parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two (2) successive weeks in a newspaper of general circulation in the Town, said notice to be published the first time not less than fifteen (15) days prior to the date fixed for such public hearing. A notice of public hearing shall be posted on the property in question for the same period of time. The sign shall be posted in a conspicuous place on the premises, facing the main frontage street. The Zoning Enforcement Officer shall be responsible for the placement of such signs.

Section 48 - Protest Against Amendment

In case of a protest against such a proposal, duly signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Board.