

Variance

SUBMITTALS:

- Detailed letter** by applicant. Describe why you need the variance. Address the following:
 1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;
 2. The variance relieves an undue hardship due to characteristics of the site; and
 3. The variance shall not be detrimental to the public health, safety, and welfare.
- Site plan** showing all structures and property lines. This must be legible and drawn to scale on 8 1/2"x11" paper.
- Parcel map**
- Warranty deed** or evidence of proprietary interest.
- Proper fee from Fee Schedule**

GENERAL INFORMATION:

Why do you need this variance? _____

Is there some characteristics of your property that is unusual which makes it necessary to have the variance? _____

What hardship would you have if your variance is denied? _____

Were you aware of this hardship prior to purchasing or developing your property? _____

SITE INFORMATION:

Location: Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: _____
Subdivision Name: _____ Lot: _____ Block: _____
Site Address: _____ City: _____
Tax Parcel Number(s): _____ Zoning: _____ Area of City Impact: _____

OWNER:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

APPLICANT:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email address: _____

I consent to this application and allow Planning and Zoning staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

Signature: (Owner)

Date

Signature: (Applicant)

Date

OFFICE USE ONLY		Building Permit?	Y	N	#:
File No.:	Received By:	Date:			
		Stamped:			Fee:

DIVISION 4. VARIANCES

Sec. 112-107. Authorization to grant or deny a variance.

The PZC may authorize variances where it can be shown that the literal interpretation of this code would cause unnecessary hardship. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of unnecessary hardship (see "hardship" definition) due to characteristics of the site and a showing the variance is not in conflict with the public interest. Once granted, a variance is permanent and runs with the land. In granting a variance, the PZC may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood, and otherwise to achieve the purpose of this division. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. Expense shall not be considered when considering a variance.

Sec. 112-108. Circumstances for granting a variance.

No variance shall be granted unless it can be shown that all of the following circumstances exist:

- Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control over and is a condition or circumstance he or she has not created.
- The applicant has proved by competent financial evidence that the lack of reasonable return is substantial.
- The variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same zone or vicinity.

- The authorization of the variance will not be materially detrimental to the purposes of this division, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county development plans or policies.
- The variance requested is the minimum variance, which will alleviate hardship.

Sec. 112-109. Application for a variance.

A property owner may initiate a request for a variance by filing an application with the zoning official, using forms prescribed by the planning and zoning department. The application shall be submitted at least twenty-eight (28) days prior to the meeting at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied, and the dimensions and arrangement of the proposed development. The PZC may request other drawings or information necessary to assist with the understanding of the request. The zoning official shall utilize the services and facilities of other county officials in the preparation of reports to the PZC.

Sec. 112-110. Public hearing on a variance.

Before the PZC may act on a request for a variance, it shall hold a public hearing pursuant to section 112-28. The PZC may also refer the application to the technical review committee prior to hearing the application.

NOTE TO APPLICANTS: Applications will not be scheduled for an agenda until certified complete. Agendas are scheduled on a first come, first serve basis. If the next agenda is full, it will be scheduled for the next available one.