

# 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** \$450.

## 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

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

### **3.9.0: VARIANCES**

#### **3.9.1: Authorization to Grant or Deny a Variance.**

The Planning and Zoning Commission may authorize variances where it can be shown that the literal interpretation of this ordinance would cause hardship. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of undue hardship because of characteristics of the site, and that 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 Planning and Zoning Commission 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 ordinance. 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.

#### **3.9.2: Circumstances for Granting a Variance.**

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

- (a) 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.
- (b) 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.
- (c) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, 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.
- (d) The variance requested is the minimum variance, which will alleviate the hardship.

#### **3.9.3: 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 Planning and Zoning Department. The application shall be submitted 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 Planning and Zoning Commission may request other drawings or information necessary to an understanding of the request. The zoning official shall utilize the services and facilities of other County officials in the preparation of reports to the Planning and Zoning Commission.

#### **3.9.4: Public Hearing on a Variance.**

Before the Planning and Zoning Commission may act on a request for a variance, it shall hold a public hearing pursuant to 3.15.0 of this ordinance.