



Variance No.: _____

Submitted On: _____

Receipt No.: _____

Hearing Date: _____

VARIANCE REQUEST CHECKLIST

☐ If applicant is not owner of property, written consent for application from all owners of this property

☐ Copy of warranty deed with legal description of the premises for which a variance is requested

☐ A survey or plat diagram indicating applicable setback lines and the location of the proposed construction

☐ A statement as to the exact nature of the proposed variance and the physical nature of the premises which makes the variance necessary

☐ A statement as to the hardship imposed by these regulations in the event no variance is requested

☐ The zoning classification of the premises

☐ A statement as to the impact of granting the variance on contiguous property owners

Project Name: _____

Site Address: _____

Parcel No.: _____



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APPLICATION FOR VARIANCE

Please type or print neatly. This form must be completely filled out.

Property Owner: _____

Site Address: _____

Parcel Identification: _____

Business/Individual Requesting Variance: _____

Contact Address: _____

Contact Number(s): _____

Contact Email: _____

Reason(s) for Variance Request: _____

Under penalty of perjury, I testify that the materials submitted are true and correct to the best of my knowledge and belief.

Signature

Date

Section 3.5-3

Application for Variance To Board of Adjustment and Appeals

1. *In general.* The following steps are to be followed to request a variance for property from the particular regulations of this Code.
2. *Application.* An application shall be filed with the County Administrator on a form provided by the County with the following items or information (no application shall be accepted which does not contain each item):
 - (a) *Owner.* If the applicant is other than the owner of the entire parcel in question, written consent for such application signed by all the owners of the property.
 - (b) *Description.* A complete legal description of the premises for which a variance is requested.
 - (c) *Survey.* A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.
 - (d) *Nature of variance.* A statement as to the exact nature of the proposed variance and the physical nature of the premises which makes the variance necessary.
 - (e) *Hardship.* A statement as to the hardship imposed by these regulations in the event no variance is granted.
 - (f) *Zoning.* The Zoning classification of the premises.
 - (g) *Impact.* A statement as the impact of granting the variance on contiguous property owners.
 - (h) *Fee.* A filing fee set by the County Commission to cover advertising and other administrative costs.
 - (i) *Signature.* A statement signed by the applicant under penalty of perjury that the materials submitted are true and correct to the best of the applicant's knowledge and belief.
3. *Specific findings.* The Board of Adjustment and Appeals shall not grant a variance unless it finds that all of the following conditions are met:
 - (a) Special conditions and circumstances exist relating to the physical aspects of the property in question which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) The special conditions and circumstances do not result from the actions of the applicant.
 - (c) Granting the variance will not confer on the applicant any special privilege that is

denied by this Code to other lands, buildings or structures in the same Zoning district.

- (d) Literal interpretation of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning district under the terms of this Code and would work unnecessary hardship on the applicant.
- (e) The variance granted is the minimum variance that will make the reasonable use of the land, building or structure possible.
- (f) Granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

4. *Conditions.* In granting any variance, the Board of Adjustment and Appeals may prescribe appropriate conditions and safeguards in conformity with this Code and any ordinance enacted under its authority. Violation of such conditions and safeguards, which shall be made a part of the terms under which the variance is granted, shall be a violation of this Code.
5. *Limits on variances.* Under no circumstances shall the Board of Adjustment and Appeals grant a variance allowing a deviation of more than thirty-five (35) percent from the applicable district regulations in question, nor shall a variance be granted as to density or to permit a use not generally or conditionally permitted in the Zoning district regulations. No nonconforming use of neighboring lands, structures or buildings in the same Zoning district, and no permitted use of lands, structures or buildings in other Zoning districts shall be considered grounds for the authorization of a variance.
6. *Denial.* If an application for variance is disapproved, the Board of Adjustments and Appeals shall take no further action on another application for substantially the same proposal on the same premises for twelve (12) months after such denial.