

## Application for a Variance (County)

File # \_\_\_\_\_ Date \_\_\_\_\_

Name: \_\_\_\_\_ Ph# \_\_\_\_\_

Address: \_\_\_\_\_

Agent Name: \_\_\_\_\_ Ph# \_\_\_\_\_

Legal Description:

Lot #: \_\_\_\_\_ Block#: \_\_\_\_\_ Subdivision: \_\_\_\_\_

COS#: \_\_\_\_\_ Metes & Bounds Description: (Attach Typed Description)

**Note:** Provide information on the following condition in your letter explaining your proposal.

**A variance from the terms of Resolution 76-113 shall not be granted by the Board of Adjustment unless and until the applicant demonstrates all of the following:**

1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, that are not applicable to other lands in the same zone. Literal interpretation of the provisions of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same zone under the terms of these regulations;
2. That such strict compliance would preclude an effective design solution to the unique circumstance, thus preventing improvement of the livability, operation and efficiency, or appearance of the proposed use or building;
3. 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 these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare as outlined in Section 8.07 of Resolution 76-113; and
4. The fact that property may be utilized more profitably will not be an element of consideration before the Board of Adjustment.

**In considering all proposed variances to these regulations, the Board shall, before making any findings in a specified case, first determine:**

1. That the proposed variance will not amount to a change in the use of the property to a use which is not permitted in the zone;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same zone.

**Nine packets containing the following must be submitted with the application along with one electronic copy:**

1. Letter explaining the proposal in detail: (The who/what/where/when/why and the criteria above)
2. Site Plan drawn to scale (1" = 20') showing the following:
  - a. Lot lines, dimensions, and total area in square footage;
  - b. Streets and all existing and proposed curbs and cuts;
  - c. All existing and proposed structures with setbacks;
  - d. Existing and proposed parking areas and access drives;
  - e. Existing and proposed landscaping; and,
  - f. Elevations of all proposed structures.
3. Topography: (flat/incline-decline)
4. A containment plan for surface water runoff (this should be coordinated with the County Surveyor's office):
5. Other required information:
6. Application Fee: The fee is due at the time of applying for a Variance and shall be made payable to Community and Planning Services.

\_\_\_\_\_  
Owner \_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Agent \_\_\_\_\_  
Date

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| <p><b>Applicant's Responsibility:</b></p> <p>An application for a Variance must be made to the Zoning Officer by the property owner or a designated agent. The application and all necessary supporting documentation must be received at least five (5) weeks prior to the regular meeting, which is held on the third (3rd) Wednesday of each month. The applicant or the agent must be present at the meeting.</p>  |
| <p><b>Zoning Officer Responsibility:</b></p> <p>The Zoning Officer will send notice of the hearing to property owners within three hundred (300) feet. Notice will also be published twice in a County-approved local news media and the property will be posted with a hearing notice. The office shall inspect all submitted material for compliance and submit a report to the Board of Adjustment and the applicant prior to the meeting.</p>                          |
| <p><b>Board of Adjustment Responsibility:</b></p> <p>The Board of Adjustment must take into consideration the Zoning Resolution and public testimony in making the decision to deny or approve, in whole or in part, and make its decision within thirty-five (35) days of the public hearing. The Board may require conditions for approval by which the decision is bound. A quorum must be present to take any action. Three (3) Board members constitute a quorum.</p> |