



Variance Application

OFFICIAL USE ONLY:

UDO Number: _____

Date Filed: _____

Amount Paid: _____

Received By: _____

Contact Information

APPLICANT

Name: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

PROPERTY OWNER

Name: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

WRITTEN PERMISSION FROM PROPERTY OWNER GIVING CONSENT TO APPLICANT _____

Property Information

Physical Street Address _____

Location: _____

Parcel ID Number(s): _____

Request

I, _____, hereby request a variance from Section(s) _____

of the Unified Development Ordinance.

Provide a narrative of why the variance is needed and what circumstances have led to the need for a variance:

Relevant Factors for Issuance of a Variance (Zoning Variance Review Standards)

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed findings that:

- 1. **Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. The alleged hardship is suffered by the applicant as a result of the application of the Ordinance.** (Variances cannot be granted if the hardship is the result of restrictions other than those of the ordinance, restrictive covenants are an example).

- 2A. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances.** (Hardships suffered by the applicant should be the result of factors directly related to the applicant's land and not ordinance requirements).

- 2B. **Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.** (A hardship suffered by the applicant in common with surrounding neighbors does not justify a variance. The proper remedy is an amendment to the ordinance in such cases. Courts have held that boards granting variances based on such factors amounts to attempted usurpation of legislative power).

- 3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.** (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot claim expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self-imposed).

- 4. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. The variance will not authorize the initiation of a nonconforming use of land.** Must show that the variance requested represents the least possible deviation from the letter of the ordinance, and that it will allow reasonable use of the property without creating a nonconforming use of same property.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property during reasonable business hours for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Property Owner(s)/Applicant

Date

Note: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants, a signature is required for each.