



# Variance Application

<b>OFFICIAL USE ONLY:</b>	
UDO Number:	_____
Date Filed:	_____
Amount Paid:	_____
Received By:	_____

**Contact Information**

APPLICANT	PROPERTY OWNER
Name: _____	Name: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Fax: _____	Fax: _____
Email: _____	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 lead to the need for a variance:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Relevant Factors for Issuance of a Variance**

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:

A. **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).\_\_\_\_\_

B. **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 ordinance requirements).\_\_\_\_\_

C. **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).\_\_\_\_\_

D. **The hardship is not the result of the applicant's own actions.** (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).\_\_\_\_\_

E. **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.