# APPLICATION FOR VARIATION

Fee: $350.00 (Non-Refundable) No._____

Name of Applicant _____

Address _____ Phone _____

Property for which application is made:

Address _____

Interest of applicant in property _____
(owner, lessee, other)

Has application for variance been previously made for property? _____

Specify section of zoning ordinance from which variance is requested: _____

_____

_____

The following is an excerpt of Section 13.07 of the Zoning Code and is used as a guide for making variance decisions. Please be advised that no variance to the provisions of this Zoning Code shall be granted by the Board of Zoning Appeals unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(over)

Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose of spirit of this Zoning Code or the public interest.

Variances Granted to Lot Size, Width, or Yard Requirements shall not generally exceed 15 percent of the requirement being varied.

Purpose of variance (explain request in detail that all of the above facts/ conditions exist) _____

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All applicants for a variance need to be aware that as per Section 13-1-192 of the Zoning Code, any approved variance shall expire within six months unless substantial work has started pursuant to such approval. If the six months has passed and no extension was requested and approved by the Board of Zoning Appeals, then a new variance application and fee will be required.

_____ _____

Date Applicant

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## FOR BOARD OF APPEALS USE ONLY:

Date of Hearing _____

Date of Notice _____

Decision of Board of Appeals and conditions (if any) upon granting of variance

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Date of Decision _____

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Clerk