

APPLICATION REQUIREMENTS FOR A DIMENSIONAL VARIANCE

An application for a dimensional variance shall be filed with the Zoning Administrator for review by the Board of Zoning Appeals. The application will consist of a written request containing a cover letter accompanied by the following requirements necessary to convey the reason(s) for the requested variance.

1. Name, address and phone number of the applicant(s).
2. Proof of ownership, legal interest or written authority.
3. Description of property or portion thereof.
4. Description of nature of variance requested.
5. Narrative statements establishing and substantiating the justification for the variance pursuant to the attached criteria list.
6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance.
7. Payment of the application fee.
8. Any other documents deemed necessary by the Zoning Administrator.

Consideration for Approval of Dimensional Variances

The following criteria will be used, along with other testimony provided at the public hearing to determine whether a practical difficulty exists that warrants a variance from the Zoning Code. Applicants should be prepared to respond to these issues.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure and which are not applicable to other lands or structures in the same zoning district. Examples are narrowness, shallowness or steepness of the lot, or adjacency to non-conforming uses.

2. Will the property yield a reasonable rate of return if the variance is not granted?

3. Is the variance substantial? Is it the minimum necessary?

4. Will the character of the neighborhood be substantially altered?

5. Would this variance adversely affect the delivery of government services?

6. Did the owner purchase the property with the knowledge of the zoning restraint?

7. Whether special conditions exist as a result of the actions of the owner?

8. Whether the owner's predicament can be feasibly obviated through some other method?

9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

10. Would granting the variance confer on the applicant any special privilege that is denied to other properties in this district?
