

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

☐ Yes. If Yes, indicate case number _____, and
name of contractor _____

☒ No.

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

The structure and the shed were built in 1972. The Ballard's are seeking to
to sell 2.5 acres of their 5.2 acre parcel. Variance is required for the current lot
they reside on.

(2) That the special conditions and circumstances do not result from the actions of the applicant:

Variance is required because the structure and shed doesn't meet 2022 setback
requirements. Her father, passed away in 1975, put the structure there because
it was the only part of the land that was cleared at the time to shelter animals.

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification:

The Ballards have resided on the property since 1972. Their neighbors have
similar agriculture use properties.

(over)

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(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

The Ballard's would not be able to sell part of their land if the variance is not granted.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

By getting the variance, they will be able to create a flag lot and sell 2.5 acres of the property, resulting in two 2.5 acre lots, conforming with agriculture residential standards.

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

The area zoning is AU (Agriculture residential) granting this variance will conform with area properties and allow property to continue with agriculture uses.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant



Signature of planner

