

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:

we have applied for a rezoning from AU to R21. The 5Ac lot is to be split into a 1Ac lot (R21) and the remaining 4Ac to remain AU with a flag lot. A condition to the approval was to place a BDP that doesn't allow for single-family structures. This condition implies that the flag lot does not apply and it's causing a hardship to us.

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

No, it's the result of a BDP condition placed by the County Commission after approval of rezoning.

(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:

It does not, as the hardship was caused by the BDP placed by the County Commission.

(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 BDP in place results on hardship by default. as we can't simply apply for a flag lot. Getting the Variance on the width of the lot will be the ^{only} way for us to Access the property and mitigate the hardship

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

yes, By granting the variance for the width of the lot, we will be able to Access the property

(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:

It complies with the main intent and harmony of the area and our surroundings. Doesn't change or affect the main purpose of the property use.

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 