

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 23 CE-00001, 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:

Our family was excited when we purchased this home, which includes a pre-existing building and layout that created unique conditions not common to other properties. These existing conditions do not meet size limitation regulations and create a hardship without the requested variance.

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

These conditions are not the result of our family's actions. The pre-existing building and its placement existed before we purchased the home.

(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:

Granting this variance will not give our family any special privilege. It will simply allow us a reasonable use of our property, similar to other properties with pre-existing structures.

(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:

Strict enforcement would create an unnecessary hardship for our family by preventing reasonable use of our property. It would deprive us of using our property and would cause a financial burden on our family.

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

The requested variance is the minimum needed to allow our family a reasonable use of the property while working within the limitations of the pre-existing structure.

(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:

Granting this variance will be in harmony with the neighborhood and will not negatively impact the area. It will allow our family to enjoy our home while maintaining the character and public welfare of the community.

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 Michael Shannon

Signature of planner Kristen Chapman