

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 encroachment of the asphalt pad on the property was already present when the applicant bought the property.

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

The applicant purchased the property in 2023. The asphalt pad was already on the property encroaching over the setback at that time. The owner solely placed a shed on the existing asphalt pad.

(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 the variance is not a special privilege to the owner as neighboring owners have built similar structures within the setback requirements.

(over)

(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:

Literal enforcement would deprive the applicant of rights commonly enjoyed by other properties such as the right to use their property and to use the structure for its intended use. A denial would cause unnecessary and undue hardship on the applicant. The applicant would have to demolish the asphalt pad and shed, which would cause an undue hardship.

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

The encroachment is 5.2 feet on the Northwest side. This variance is the minimum necessary to allow reasonable use of the 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:

The asphalt pad and shed is an innocuous addition to the property and poses no foreseeable harm to the public welfare.

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

