

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:
This property, before combined with other parcels and then redivided, was originally zoned AU. We would like to retain the original zoning.

(2) That the special conditions and circumstances do not result from the actions of the applicant:
When the property was purchased by the current owner, the property was subdivided, titled and recorded with the county as AU. After the fact, it was determined by the county that the zoning should have been changed by the previous owner to RR-1 and recorded before the property was sold. Both parties were unaware that the zoning was not authorized.

(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:
Due to the fact that this parcel was zoned AU originally before being combined and then resubdivided (even though it was below the minimum acreage set forth by the county), the homeowner would like to retain the original zoning. It still falls below the minimum acreage but is about 1/2 acre larger than it was when it was grandfathered in originally.

(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:

All of the surrounding properties are zoned AU. This classification for the parcel in question would align with those around them.

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

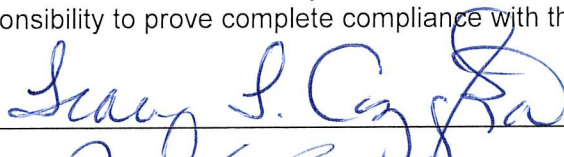
The variance will result in the homeowner to be able to have farm animals, and will also allow for the adjacent parcel to the west that it was subdivided from, to be officially recorded with its flag stem and AU zoning. The adjacent parcel does meet the minimum requirements for the AU zoning.

(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:

There is no other intended use by the current homeowner other than to be able to have small farm animals, mainly chickens, and to fix the issue of the adjacent property being legitimately recorded.

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

