

This chart and corresponding information has been created to help applicants better understand the Variance Application process and give an approximate timeline for approval. While this chart can't possibly cover all situations, this is a good starting-off point to help applicants understand what to expect.



1. Required Information. Application for a variance or appeal shall be submitted to the Zoning Administrator/Planner upon such forms and accompanied by such data and information as is needed to assure the fullest practicable presentation of facts.
2. Review Procedure.
  - a. Notification of Public Hearing on Amendment. Before considering a variance application, the Board of Adjustment shall hold at least one public hearing pursuant to providing notice to all property owners within 300 feet of the subject property by regular mail and shall publicly notice such meeting.

- b. Board of Adjustment Final Action. After receiving public testimony and closing the public hearing for a variance application, the Board of Adjustment shall consider and decide on the variance application as it relates to the decision criteria listed in Section 10.16(4). The Board may specify an expiration date by which the action authorized by the variance must be commenced or completed.
- c. Subject to Conditions. In granting any variance under the provisions of this ordinance, the Board of Adjustment shall designate such conditions that will secure the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare. A variance, once granted, stays attached to that lot or use until the variant is obsolete.
- d. Variations Void after 6 Months. If an applicant fails to act on a variance granted within 6 months of the date the variance was approved, the variance shall be null and void.

3. Decision Criteria.

- a. Findings Required. No variance from the terms of this Code shall be authorized unless all the following facts and conditions exist:
  - i. Exceptional Circumstances. That there are exceptional conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
  - ii. Physical Cause. That the surroundings, shape, or topographical conditions of the specific property involved would result in a hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - iii. Non-Economic Cause. That the purpose of the variance is not based exclusively on a desire for economic or other material gain by the applicant or owner.
  - iv. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity including, but not limited to, the use of solar energy systems.
  - v. Absence of Detriment. That the authorizing of such variance will not be detrimental to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.
  - vi. General Nature. No variance shall be authorized unless the Board of Adjustment specifically finds that the condition, situation, or intended use of the subject property is not general or recurrent in a nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
  - vii. Minimum Variance Required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board of Adjustment shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.