

Application Number
Date

VARIANCE APPLICATION FORM

Circle Jurisdiction That Applies:

City of Sanford Lee County Town of Broadway

The Variance Process:

A variance is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a variance an application is required before processing the application. The application submission deadline is the second Friday of each month. The variance will be heard the following month at the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (919) 718-4656.

TO THE BOARD OF ADJUSTMENT:

I HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A VARIANCE FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW

Applicant's Name _____ Property Owner's Name _____

Applicant's Address _____

Property Owner's Address _____

Applicants Telephone Number _____ Property Owner's Telephone Number _____

I, _____ (name of applicant) hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described below in a manner shown by the plot plan attached to this form. I request a variance from the following provisions of the ordinance (cite paragraph numbers):

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to this form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested).

Lee County Deed Book _____, Page _____, as Lee County Tax Parcel _____ - _____ - _____, and with the property address of _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

1. There are practical difficulties or unnecessary hardships in the way of carrying out the letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

- a. If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable).

- b. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since variance if granted, runs with the land).

- c. The hardship is not the result of the applicant's own actions.

2. **The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.** (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).

3. **The granting of the variance secures the public safety and welfare and does substantial justice.** (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant).

Required Attachments/Submittals

Scaled site plan containing all requested information above on legal or ledger sized paper. Larger sized copies will be accepted if copies for each Board Member are provided for distribution.

Certification

I hereby confirm that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are to the Zoning Department.

Signature of Applicant _____ Date _____

Signature of Owner _____ Date _____

STAFF USE ONLY:

Application Fee Collected Yes _____ No _____

Posted Database Yes _____ No _____

Site Plan Attached Yes _____ No _____

Public Hearing Notice of Public Hearing Published On

Date: _____ Dates: _____

Notices to applicant(s) and adjoining property owners mailed on

Date: _____

Signs Posted On

Date: _____

Process Record

Record of Decision:

Motion to: Approve _____ Deny _____

Board of Adjustment Recommendation: Approve _____ Deny _____

Action Taken by Board of Adjustment:

Date Notification of Action Mailed to Applicant(s):

Signature of Zoning Official
