

USE VARIANCE

1. The applicant cannot realize a reasonable return. The lack of return must be substantial:

2. The alleged hardship relating to the property is unique (The hardship may not apply to a substantial portion of the zoning district or neighborhood):

3. The requested use variance, if granted, will alter the essential character of the neighborhood:

4. The alleged hardship has not been self-created:

READ BEFORE COMPLETING THE APPLICATION

USE VARIANCE: Authorization by the Zoning Board that allows a specified land use in a zone district in which such use is not allowed by the Zoning Ordinance. In order for the Board to grant a use variance, the Board must find sufficient evidence that the following three items of unnecessary hardship have been satisfied.

In the justification for the request and in most cases at the hearing, you must provide this evidence.

1. That the land, property, structure or building in question cannot yield a reasonable return if used only for a purpose allowed in that zone; and
2. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
3. That the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself.

AREA VARIANCE: Authorization by the Zoning Board that allows a departure to a minor degree from the text of the Ordinance. An area variance refers to a physical characteristic of a structure or the land on which it is situated (e.g. lot size, setbacks, number of off-street parking spaces).

In the justification for the request, you must provide the evidence based on practical difficulty in meeting Ordinance requirements.

NOTE: SITE PLAN REQUESTED

If the applicant proposes a garage, pool, shed, addition, other necessary structure or a new building, a site plan must be submitted with this application. The site plan requirements are as follows.

The plan must be hand-drawn by the applicant and must depict the existing structure(s), if any, the proposed structure, the lot lay-out, and all new and existing building setbacks.

It is recommended that the applicant submit this form and all related materials to the Department of Community Development for preliminary review.
