

APPEAL FOR VARIANCE

TO

BOARD OF ADJUSTMENT

DO NOT WRITE IN THIS SPACE-FOR OFFICE USE ONLY

Date Filed \_\_\_\_\_ Variance Request No. V- \_\_\_\_\_ Received By \_\_\_\_\_

Date Set for Hearing \_\_\_\_\_ Date Hearing Held \_\_\_\_\_

Published Notice Made \_\_\_\_\_ Newspaper \_\_\_\_\_

Fee Paid--Receipt No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

Comments: (indicate other actions such as continuances) \_\_\_\_\_

Action by Board On Request for a Variance \_\_\_\_\_  
(granted, denied, other)

SECTION TO BE COMPLETED BY APPLICANT

*Information concerning Title Holder(s) and Agent*

Name of Title Holder(s) \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

Any other persons having any ownership, interest in subject property? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, list such persons \_\_\_\_\_

NOTE: If the Title Holder(s) of the subject property of this application is appointing an agent to represent him/her, a letter from the Title Holder(s) addressed to the Chairman, Board of Adjustment, MUST be attached to this application at the time of submittal stating such appointment.

Title Holders Representative (Agent), if applicable \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

A variance is requested in conformity with the powers vested in the Board to permit the

(Insert use or construction proposed)

on the property described below, and in conformity with the plans on permit number \_\_\_\_\_, dated \_\_\_\_\_.

*Location and Use*

Legal Description \_\_\_\_\_

Tax Parcel Number \_\_\_\_\_

Location or Address of Property \_\_\_\_\_

Size of Property \_\_\_\_\_

Present Use \_\_\_\_\_  
(commercial , industrial, residential, agricultural, etc.)

Land Use Plan Map Category \_\_\_\_\_

Zoning District \_\_\_\_\_

*Actions by Applicant on Property*

Permit applied for and denied? \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ Permit Application No. BPA- \_\_\_\_\_

A previous appeal \_\_\_\_\_ was made with respect to these premises,  
\_\_\_\_\_ was not Appeal Application No. \_\_\_\_\_

*Reasons for Request for a Variance*

Please note that the following questions must be answered completely. If additional space is needed, attach extra pages to application.

Before answering read the attached Notice to Applicants.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone.

Too narrow \_\_\_\_\_

Elevation \_\_\_\_\_

Other \_\_\_\_\_

Too small \_\_\_\_\_

Slope \_\_\_\_\_

(specify)

Too shallow \_\_\_\_\_

Shape \_\_\_\_\_

1. Describe the items checked, giving dimensions where appropriate: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. How do the above stated conditions prevent any reasonable use of your land under the terms of the Zoning Regulations? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Regulations or applicable part thereof became effective? YES \_\_\_\_\_ NO \_\_\_\_\_

If "NO" explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a variance)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway)

YES \_\_\_\_\_ NO \_\_\_\_\_ If "YES", Please describe \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement? \_\_\_\_\_

Change in lot coverage requirement? \_\_\_\_\_

Change in side yard requirement? \_\_\_\_\_

Change in offstreet parking requirement? \_\_\_\_\_

Change in area requirement? \_\_\_\_\_ Other \_\_\_\_\_

7. State the section of the Zoning Regulations for which a Variance is requested. \_\_\_\_\_

\_\_\_\_\_

8. State what is the Variance requested, giving distances where appropriate. \_\_\_\_\_

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9. Are the conditions of hardship for which you request a Variance true only of your property? Yes \_\_\_\_\_ No \_\_\_\_\_ If not, how many other properties are similarly affected?

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10. Will the grant of a Variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Regulations? \_\_\_\_\_ Elaborate \_\_\_\_\_

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I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

**APPLICANT ACKNOWLEDGES THAT EITHER APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE PUBLIC HEARINGS BEFORE THE BOARD, OTHERWISE THE REQUEST WILL NOT BE CONSIDERED (UNLESS APPLICANT'S APPEARANCE IS PREVIOUSLY WAIVED BY STAFF)**

\_\_\_\_\_

(Signature)

Title Holder(s) or Authorized Agent

\_\_\_\_\_

Date

#### NOTICE TO APPLICANTS

A Variance is a zoning adjustment which permits minor changes or dimensional requirements where individual properties are both harshly and uniquely burdened by the strict application of the Zoning Regulations. The power to vary is restricted and degree of Variance is limited to the minimum change necessary to overcome the inequality inherent in the property. Use Variance are specifically prohibited. "Variance" means the modification of the dimensional requirements of a zoning district and does not include the substitution of uses assigned to other districts.

**SIGNS POSTED FOR BOARD HEARINGS .**

The Columbia County Zoning Regulations require that properties for which a Land Use Change, Zoning Change, Special Exception, or Variance is requested' must be posted by the Building and Zoning Department for a minimum period of one *week* prior to the Planning and Zoning Board's hearing. Once the property is posted, it is the property owner's responsibility to keep the property posted until after the final hearing of the Planning and Zoning Board. If the request is one that must also be heard by the Board of County Commissioners, then it continues to be the property owner's responsibility to keep the property posted until after the final hearing of that Board.

In the event the signs are moved, removed from the property, torn down, defaced, or otherwise disturbed, the applicant/property owner must immediately notify the Building and Zoning Department so that the property can be reposted. If the property is not properly posted until all hearings of the Planning and Zoning Board and/or the Board of County Commissioners are completed, both Boards reserve the right to table a discussion on the request or continue the hearing until such time as the property is properly posted for the required period.

I have read the above statement and understand that I am responsible for keeping my property properly posted until all hearings on my requested are completed.

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Applicant's Signature

Date

**1. A Variance recognizes that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Regulations. Where hardship conditions extend to other properties a Variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Regulations.**

**2. You must prove that the combination of the Zoning Regulations and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variance: (1) Proof that a Variance would increase the financial return from the land, (2) Personal hardship, (3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Regulations would encourage and condone violation of the law.**

**3. No Variance may be granted which adversely affect surrounding property or the general neighborhood. All Variances must be in harmony with the intent and purposes of the Zoning Regulations.**

**3. An appeal from a decision of the Board of Adjustment may be taken to the circuit court having jurisdiction in the County for judicial relief within thirty (30) days after the rendition of the decision by the Board of Adjustment.**