

STANDARDS WORKSHEET - VARIANCE

For all petitions involving a request for a Variance, the petitioner must provide detailed written responses to each of standards posed as a question below.

This form can be requested as a Word document from Development Services.

Code Section: 6-204.E.2A

Requirement:

Side setback

Requested Variance/

Modification: Reduce the side setback

Incremental

Improvements:

1. **Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?**

Petitioner Response:

Yes, the property can yield a reasonable return. The unique conditions of the property cause it very difficult to meet the setback requirement.

2. **Is the plight of the owner due to unique circumstances?**

Petitioner Response:

The unique conditions of the property cause it to be very difficult to meet the setback requirement. The property is a very unique shape with a stream on half the property making the build-able area very small.

3. **Will the variation, if granted, alter the essential character of the locality?**

Petitioner Response:

No, it will not. We are not going much further into the setback.

4. **Due to the particular physical surroundings, shape or topographical conditions of the specific property involved, is there a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?**

Petitioner Response:

The unique conditions of the property cause it to be very difficult to meet the setback requirement. The property is a very unique shape with a stream on half the property making the build-able area very small.

5. **How are the conditions upon which the petition for a variation is based unique to the property for which the variance is sought and are not applicable, generally, to other property?**

Petitioner Response:

The unique conditions of the property cause it to be very difficult to meet the setback requirement. The property is a very unique shape with a stream on half the property making the build-able area very small.

6. Has the alleged difficulty or hardship caused by these regulations and not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof?

Petitioner Response:

The unique hardship is because of the land. The property has difficult angles and a stream going through the property.

7. Will the granting of the variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations?

Petitioner Response:

We will continue to use the property as a single family home. It will not be detrimental to anyone else or any property.

8. Will the proposed variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood?

Petitioner Response:

The proposed variation will not impair any of the above-mentioned issues.
We will continue to use the property as a single family home, maintaining the the property.

9. Is the variance granted the minimum adjustment necessary for the reasonable use of the land?

Petitioner Response:

Yes, the variance is the minimum adjusted necessary.
We will continue to use the property as a single family home, maintaining the the property.

10. Are aforesaid circumstances or conditions such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land? Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land.

Petitioner Response:

Yes, the strict application would make it so we couldn't have reasonable use of our land.
The home was built before current code was adopted, legal but non-conforming.
The unique conditions of the property cause it very difficult to meet the setback requirement.