

City of Caro

VARIANCE

Procedural Manual

WHAT IS A VARIANCE?

A variance is a modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals (ZBA) when strict enforcement would cause practical difficulty due to circumstances unique to the property.

There are two types of variances: use variances and non-use variances.

The Zoning Board of Appeals is not authorized to grant use variances. Use variances allow for the establishment or expanse of a use otherwise prohibited in that zoning district.

The Zoning Board of Appeals has the authority to grant non-use variances only. Common regulations subject to non-use variance request include:

- Front, side or rear yard setbacks
- Height regulations
- Parking and vehicular access regulations
- Lot coverage or bulk restrictions
- Landscaping or buffering restrictions

WHEN IS A VARIANCE REQUIRED?

A variance is required when a property owner requests a relaxation of the non-use regulations of the Zoning Ordinance because the strict enforcement of the ordinance would cause him/her practical difficulties due to circumstances unique to the property.

“Uniqueness” typically refers to parcels which are odd in shape, relatively small in size, contain wetlands or other water bodies, possess natural features such as steep slopes or endangered plant species, etc.

WHAT IS REQUIRED FOR A VARIANCE APPLICATION?

- A completed and signed copy of the variance application, including an affidavit signed by the owner explaining how the variance application meets the standards listed in Section 2803(2).
- Application fee
- A completed plot plan which shows the dimensional elements for which a variance is requested and the dimensional relationships of the subject parcel to the structures on all adjacent parcels.

WHAT ARE THE STANDARDS FOR APPROVAL?

The applicant must demonstrate practical difficulty unique to the property in order to qualify for a non-use variance.

The Zoning Board of Appeals shall not approve an application for non-use variance unless it has found positively that all of the following criteria are met:

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- Exceptional characteristics of property for which the variance is sought to make compliance with dimensional requirements unnecessarily burdensome or would unreasonably prevent the owner from using the property.
- The characteristics which make compliance with dimensional requirements difficult must be related to unique characteristics of the property.
- The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- The proposed variance would do substantial justice to the applicant as well as other property owners in the district and will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- The ZBA must insure in issuing a variance that the spirit of the ordinance is observed, public safety secured and substantial justice done.

CONDITIONS

Reasonable conditions may be imposed with any affirmative decision by the Zoning Board of Appeals. Conditions imposed shall meet all of the following requirements.

- Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
- Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

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Date _____
Application No. _____
Review Fee _____

Applicant's name _____

Address _____ City _____ State _____ Zip _____

Phone _____

Parcel Identification number _____

Existing Zoning _____ Size (in acres) _____

Legal owner

Address _____ **City** _____ **State** _____ **Zip** _____

Phone

If applicant is not the owner, state basis for representation (i.e., attorney, representative, etc.)

PROVISION of the zoning ordinance from which a variance is requested (Article and Section) _____

Attached a signed written statement stating how the variance request complies with the standards for approval of a variance found in Section 2803.2 of the zoning ordinance.

Signature of Applicant

Date

Please print type name below signature

Signature of Legal owner (if not applicant)

Date

Please print type name below signature

**City of Caro
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FOR OFFICE USE ONLY – NOT TO BE COMPLETED BY APPLICANT

Zoning Administrator's Verification of application completeness

Date

Date Notice Posted _____
Date Notice Mailed _____

Attach copy of published notice

Attach list of property owners sent notice

Date of ZBA meeting _____

Action taken

Approved _____
Denied _____

Date of final decision _____

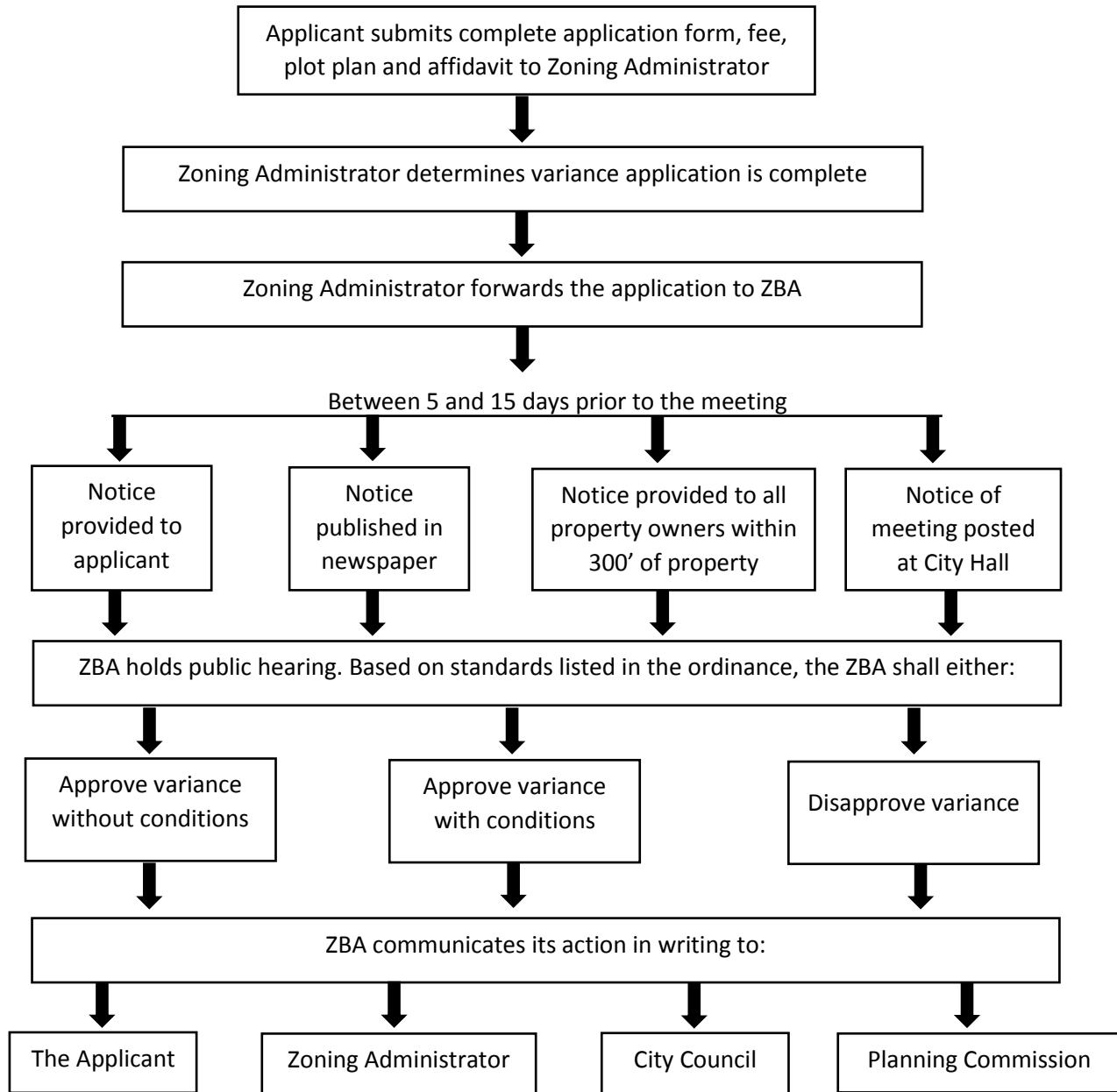
Date final decision was mailed to applicant _____

Attach copies of all ZBA meetings at which this appeal was an agenda item

Comments _____

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VARIANCE PROCESS



Note: The decision of the ZBA is final and is only appealable to Circuit Court