

NOTICE TO APPLICANTS FOR VARIANCES

A Variance is an exception to the standard requirements of the Ordinance.

The City may grant a Variance only under specific criteria which is mandated by State Law.

State Law prohibits a City from permitting by Variance any use of the property which is not allowed within the Applicable Zoning District.

“Area Variances” generally apply to requests to deviate from minimal lot sizes, set-back distances, impervious surfaces coverage, building height, maximum garage space, accessory buildings, etc.

The City is authorized by State Law to grant such Variances under the following conditions:

- 1) If there are practical difficulties shown which prevent the property owner from complying with the standard requirements of the Ordinance. State Law requires that three factors must be satisfied in order to show “practical difficulties”:
 - a. The property owner intends to use his property in a particular way which is “reasonable” but not in keeping with the strict requirements of the Ordinance.
 - b. The problem is due to physical characteristics which are “unique” to the property itself, such as severe slopes, wetlands, trees, topographical features, etc.
 - c. That the Variance, if granted, will not change the “essential character” of the neighborhood, that is, whether the building will be out of place, out of scale, or otherwise inconsistent with the surrounding area.

In addition, the City can grant Variances only when there are in harmony with the general purposes and intent of the Ordinance and the City's Comprehensive Plan.

The foregoing considerations must be addressed by the City Planning Commission and City Council, and the burden of satisfying them is up to you.

Be aware that economic factors alone do not justify a Variance. If your project can be completed within the requirements of the Ordinance, but at greater expense, a Variance would not generally be granted.

Notice of Public Hearing at which your request will be heard is sent to your neighbors. The Planning Commission and Council will hear the comments of anyone who wishes to appear and speak. However, whether your neighbors agree with or object to your request is not a significant basis for either approval or denial.

The City is not bound by decisions made in previous Variance requests involving other properties. Each Application is decided upon its own particular facts.