



APPLICATION FOR ZONING VARIANCE

APPLICATION NO.: _____

DATE FILED: _____

APPLICATION FEE: \$400.00

(plus hourly Attorney, Consulting, and Engineering fees reimbursed as billed.)

Attach a complete, legible copy of the legal description of the property.

This application shall include a sketch plan drawn to an appropriate scale showing the property as it is intended to be developed or modified pursuant to the proposed variance. An approved variance shall be personal to the record title owner at the time of its approval and shall, in any event, expire after one year from the date of approval or by earlier City Commission action, unless construction has actually commenced.

Limitations on issuing a variance

- a. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by a variance.
- b. A variance shall not be granted because of the presence of nonconformities in the zoning district or in the adjoining zoning district.
- c. A modification to lot requirements so as to increase the permitted density shall not be considered a variance.
- d. A variance shall not change the functional classification of a use permitted or permissible in a zoning district.
- e. A variance shall not change the requirements for concurrency.

1. Applicant's name: _____

2. Applicant's address: _____

3. Applicant's daytime phone number: (____) _____ - _____ Fax number: (____) _____ - _____.

4. Name and address of the owner as shown in the public records of Baker County:

5. Complete property address: _____

6. Between streets : _____ and _____

7. Property Appraiser's real estate number(s): _____

8. Current zoning classification: _____

9. Variance sought: _____

10. What are the unique and peculiar circumstances of your property which create a hardship?

11. Explain why you could not accomplish your goals without a variance, perhaps through an amended site plan.

12. Explain why it is not your fault that your property is causing you a hardship.

13. Explain why this variance would not be a detriment to the surrounding properties or the general public.

14. Explain why this variance would not lower property values in the area, or alter the general character of the area.



The Applicant, at his cost, shall post a sign on the premises involved in this application. The sign(s) shall contain the date and time of the Board of Adjustment public hearing, the application number, a concise description of the variance request, and the phone number to City Hall where all questions should be directed. The sign(s) shall be posted within five (5) days after submitting the application. The sign(s) shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width. The sign(s) shall be posted on the property at intervals of not more than 200 feet along all public streets. The sign(s) shall be plainly visible, unobstructed and legible from the street. The sign(s) shall be removed within ten (10) days after final action on the application by the Board of Adjustment.

No variance shall be granted unless the Board of Adjustment finds that ALL of the following conditions exist:

- Special circumstances exist that are peculiar to the particular land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district.
- A literal interpretation of the provisions of this code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Unified Land Development Regulations (LDRs).
- The special circumstances are not a result of the actions of the Applicant.
- Granting the variance requested will not confer upon the Applicant any special privilege that is denied by the LDRs to other lands, structures or buildings in the same district.
- The existence of nonconforming uses of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.
- The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.
- The requested variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The variance is not a request to permit a use of land, building or structure not permitted by right or by special exception in the district involved.
- There are practical or economic difficulties in carrying out the letter of the regulation.
- The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
- The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
- The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

