

**VARIANCE APPLICATION**  
**PLANNING & ZONING COMMISSION AS**  
**BOARD OF ADJUSTMENT**

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Name of Applicant: \_\_\_\_\_

Address of property for Variance: \_\_\_\_\_

\_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: \_\_\_\_\_ Date: \_\_\_\_\_ Fee: (\$375.00) Paid: yes \_\_\_ no \_\_\_

Present Zoning: \_\_\_\_\_ Site Plan Included: yes \_\_\_\_\_ no \_\_\_\_\_

I received a copy of the Planning & Zoning Variance Checklist: yes \_\_\_\_\_ no \_\_\_\_\_

I understand that the Board of Adjustment is a quasi-judicial body, therefore, I understand I am prohibited from discussing this Variance Application with members of the Board of Adjustment prior to the scheduled public hearing. \_\_\_\_\_ (applicant signature)

Signature of Present Owner of Record: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Description of Project: \_\_\_\_\_

Description of Variance being sought: \_\_\_\_\_

Explain your unnecessary hardship that deprives you of the reasonable use of your land: \_\_\_\_\_

Which rights commonly enjoyed by other properties in the same district are you being deprived of?

What exceptional and extraordinary physical conditions or other circumstances apply to your property that do not apply to other properties in the same zone or vicinity of your property? \_\_\_\_\_

City Staff Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Board of Adjustment Meeting: \_\_\_\_\_ Time: \_\_\_\_\_

Publish Date: \_\_\_\_\_ Posting Date (on property & at City Hall): \_\_\_\_\_

Landowner letter Sent: \_\_\_\_\_

300' Required Notices Sent: \_\_\_\_\_

Action Taken: \_\_\_\_\_

### **Planning & Zoning-Variance Check List**

- 1. Verify written application on Authorized Official's or Finance Officer's form is filed and that it contains:
  - a. The legal description of the land on which such Variance is requested and the local street address;
  - b. The name and address of each owner of the property;
  - c. The name, address, phone number and signature of the applicant;
  - d. The zoning district classification under which the property is regulated at the time of such application;
  - e. An attached site plan (unless waived by the Authorized Official); and
  - f. Any other information concerning the property as may be requested by the Authorized Official or the Planning Commission.

If the site plan is required, it shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the zoning provisions and all relevant laws, ordinances, rules and regulations. Any plan submitted, unless waived by the Authorized Official shall include:

- a. The address of the property and the legal description;
  - b. The name of the project and/or business;
  - c. The scale and north arrow;
  - d. All existing and proposed buildings or addition;
  - e. The dimensions of all buildings;
  - f. The distance from all building lines to the property lines at the closest points;
  - g. The building height and number of stories;
  - h. The dimensions of all property lines;
  - i. The parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles;
  - j. The screening; show height, location, and type of material to be used;
  - k. The landscaped setback and trees; indicate species of trees and material to be used for landscaping; and
  - l. The name and location of all adjacent streets, alleys, waterways and other public places.
  
- 2. Verify the filing fee has been paid.
  
- 3. Verify that the use is authorized in Brandon City Ordinances 15-3 to 15-10.
  
- 4. Verify the applicant has met with the Authorized Official.
  
- 5. Verify the Authorized Official has provided to the Planning Commission a summary of the application and the reasons and justification for either approval or disapproval of the application.

- 6. Verify proper notice was given:
  - a. Notice of the hearing published in City newspaper at least 10 days before hearing;
  - b. Landowners were notified by mail; and
  - c. Notice of the hearing was posted on the affected property at least 10 days before hearing.

- 7. Keep minutes of hearing.

- 8. Allow the parties to present evidence and/or argument.

-Applicant can appear in person or through an agent or attorney.

- 9. Consider the following in decision making process:

- a. The stated criteria in the ordinance;
- b. The goals and objectives of the comprehensive plan;
- c. The purpose of the zoning ordinance and its relevant zoning districts;
- d. Whether the use is in harmony with the purpose and intent of the ordinance including general compatibility with adjacent properties and other property in the district in which the use is proposed;
- e. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- f. Off-street parking and loading areas where required;
- g. Refuse and service areas, with particular reference to (a) and (b) above;
- h. Utilities, with reference to locations, availability, and compatibility;
- i. Screening and buffering with reference to type, dimensions and character;
- j. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
- k. Required yards and other open space;
- l. Imposition of conditions that are reasonable, appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit; and
- m. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance permit.

- 10. Make the decision granting (2/3 Board member approval required) or denying the variance permit, or defer the decision until the next regularly scheduled meeting.

-If making a decision, you may make it orally at the hearing

-If deferring decision, need to publish notice at least 10 days before the hearing.

- 11. Enter findings (see attached form).