

# INSTRUCTIONS FOR VARIANCE APPLICATION

## Please Read All The Following Before Making Application

1. A. A variance may be granted by the Board of Adjustment from the requirements of the zoning ordinance for height, area, and size of structures or size and area of lots, yards and open spaces where your application shows among other things:
  - i. There is something unique or special about your property or buildings that is not present in other property or buildings in your district; and
  - ii. If the variance was not granted you would lose a right under the ordinance other properties have in your district; and
  - iii. You did not cause the special conditions or circumstances creating the need for the variance.
  
- B. Based on the information in your application and what you present, the Board of Adjustment must also find:
  - i. The variance is not contrary to the public interest; and
  - ii. Because of the special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
  - iii. The reasons in your application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of your land or building; and
  - iv. Granting the variance will be in harmony with the general purpose and intent of the ordinance; and
  - v. The variance will not be harmful to the neighborhood or otherwise detrimental to the public welfare.

2. The Board of Adjustment will not grant a variance where the information requested on the application and attachments to the application are not complete. This includes but is not limited to:
  - a. The flagging of the property and marking of each flag to indicate what is marked, no more than three (3) days before the meeting; and marking by string or an equivalent such as painting, lot corners and the proposed structure on the property;
  - b. An exact diagram to a scale of not less than 1" = 20' of building, proposed variance, existing buildings and structure;
  - c. The exact location and nature of existing easements for sewers, water, gas lines, etc.
  - d. A site plan showing among other things location of lot pins, lot lines, elevations of existing structures and proposed structures, and drainage plan for the property.
3. The Board of Adjustment will not grant a variance, where among other things, it finds one or more of the following:
  - a. It is merely a convenience to the applicant.
  - b. It will impair an adequate supply of light or air to adjacent properties;
  - c. It will increase the hazards of fire or other dangers;
  - d. It will increase congestion and traffic hazards;
  - e. It will otherwise impair the public health, safety and general welfare of inhabitants of the County.
  - f. It will diminish the value of land or buildings.
  - g. You have failed to show the factors set out in paragraph 1 above.
4. The required fee for variance application must be paid when you make the application.
5. A zoning certificate must be provided from an abstract company for all property owners within 500' of the subject property boundaries.
6. If you have a question or do not understand a requirement, please ask. Do not

leave out information unless instructed to do so by the Zoning Office.

7. Members of the Board will stop and view the property where the variance is requested. Filing this application will be considered permission for them to enter the property.
8. The Board will hold a public meeting to consider this application and will then vote on granting or denying the variance as applied for, or it may impose certain requirements or conditions as part of any variance it may grant.
9. If the Board denies the application, you may then appeal to District Court.
10. It is the responsibility of the applicant to provide all the requested information and that it be true, complete and accurate.

**IN ORDER TO CONSIDER THIS APPLICATION THE BOARD MAY HAVE QUESTIONS AND YOU OR A REPRESENTATIVE OF YOURS MUST ATTEND THE MEETING; HOWEVER THE BOARD MAY ACT IN YOUR ABSENCE.**

**APPLICATION FOR A VARIANCE  
DICKINSON COUNTY BOARD OF ADJUSTMENT**

A. THIS APPLICATION WILL NOT BE CONSIDERED UNLESS YOU FULLY COMPLETE THIS APPLICATION, FLAG AND STRING THE PROPERTY AND ALLOW THE BOARD ENTRY TO THE PROPERTY.

B. This is a request for a \_\_\_\_\_ yard requirement variance  
 other requirement variance

(THE NON-REFUNDABLE APPLICATION FEE OF \$350.00  
MUST BE PAID BEFORE THIS WILL BE CONSIDERED)

C. This application must be signed by titleholders, contract purchasers, option purchasers, or one with a similar legal interest. In signing you acknowledge that you have read the instructions and the information in this application is true and correct.

Applicant	Legal Interest	Address, City, State & Zip
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Signature	Phone Number
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Applicant	Legal Interest	Address, City, State & Zip
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Signature	Phone Number
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D. Location of Property: 911 Street Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Township: \_\_\_\_\_

E. Legal description of property including parcel number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Date property was acquired: \_\_\_\_\_

G. The following attachments **must** accompany this application unless noted as waived by the Zoning Office as shown by the initials below:

1. Site plan showing placement of existing and proposed structures on the lot(s). (Waived\_\_\_\_\_)
2. Site plan showing locations of sewer, water, electric and gas lines. (Waived\_\_\_\_\_)
3. Site plan showing drainage flow on property. (Waived\_\_\_\_\_)
4. Ground elevation plan (topography). (Waived\_\_\_\_\_)
5. Finished elevations of proposed structure(s). (Waived\_\_\_\_\_)
6. Building plans or architect blueprints. (Waived\_\_\_\_\_)
7. Application for Certificate of Zoning Compliance. (Waived\_\_\_\_\_)
8. Other information as specified by the zoning administrator or such as would be helpful in determining the merits of this application. (Waived\_\_\_\_\_)
9. Zoning certificate. (**There is an additional fee for this.**)

H. Describe specifically the variance(s) you are requesting: \_\_\_\_\_

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I. Describe specifically what is unique, special or different about your property or buildings that are not present in other properties or buildings in your district:

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J. Describe what right under the ordinance you would lose that others in your district have under the ordinance if the ordinance was literally applied to you:

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K. Give the reasons the circumstances unique to you were not caused by your actions:

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List or describe any other information that will be important in considering your application:

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## VARIANCE APPLICATION CHECKLIST

- ❑ There is a quorum and the necessary 3 members are present.
- ❑ The application fees have been paid.
- ❑ The application has been appropriately signed.
- ❑ The application has been completed.
  - Site plan.
  - Ground and elevation plans.
  - Building plans.
  - Locations of utilities identified.
  - Drainage plan.
  - Zoning Certificate.
- ❑ Members were able to inspect site.
- ❑ The property was flagged.
- ❑ The flags were marked to identify what was shown.
- ❑ The property was painted or stringed to show proposed structure.
- ❑ It is clear to all Board members from the application, site inspection, and marking what is under consideration in this application.

The (application) (hearing) is (denied)(continued) for failure to provide to the Board \_\_\_\_\_, thus the application is incomplete.