

**AUDUBON COUNTY
APPLICATION TO THE BOARD OF ADJUSTMENT**

Filing Fee: \$200.00 (Per Resolution 2023-32 dated the 27th day of June 2023.)

Notice: This application MUST be completed and submitted to the Zoning Administrator a minimum of fifteen (15) days before the Board of Adjustment will consider a meeting. The fee of \$200 MUST accompany the application.

Date: _____

Application #: _____
(For Zoning Administrator Use Only)

Name of Applicant (Please Print): _____

Authorized Agent of Applicant (Please Print): _____

Applicant Address: _____

Phone Number: _____ Email Address: _____

The undersigned applicant respectfully requests the Board of Adjustment consider this application for the following:

_____ Appeal

_____ Special Exception

- Home Occupations
- Special Uses Listed in the Zoning Ordinance
- Placement of Towers and Antennas
- Solar Energy

_____ Variance

- Lot Area
- Frontage
- Setback Requirements
- Airport Height Requirements
- Flood Plain Ordinance
- Other

Please provide a site plan or other map indicating location of structure, dimensions, arrangements, descriptive data, and other information/materials essential for the Board's understanding of the proposed use or modification.

A detailed map of the impacted parcel can be located at:

<https://beacon.schneidercorp.com/Application.aspx?AppID=96&LayerID=957&PageTypeID=2&PageID=602>.

Please review:

Location of the Property Affected:

Legal Description of Property:

Zoning District of Property: _____

Specific Request:

- Has any previous application been filed in connection with this property? Yes No
- What is the approximate cost of the work involved? _____
- Explain the purpose for which the property will be utilized:

- Will substantial construction or acquisition of property be involved in the proposed variance:
 Yes No If yes, please explain:

- Please explain why your request **WILL NOT** adversely affect the use or value of area properties: _____

- Explain how your request will be consistent with the intent and general purpose of the Zoning Ordinance and Comprehensive Plan:

Unnecessary Hardship: Explain how the literal enforcement of the Zoning Ordinance will result in unnecessary hardship to you by answering the following questions:

1. Explain why your property cannot yield a reasonable return if used only for the purpose presently allowed:

2. Explain how your situation is due to unique circumstances and not due to the general condition in the neighborhood:

3. Explain how the unnecessary hardship was created by the ordinance and not by the applicant:

List the abutting property owners (The owners of record of the properties located immediately North, South, East and West of the property subject to Board action and any property sharing a common corner with the subject property) involved in this application/appeal together with addresses:

Name (Please print or type)	Address (Please print or type)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I (We) further state that if this request is granted, I (We) will proceed in accordance with the plans herewith submitted within two months from the date of filing this application and will complete the work within six months from the start date.

Signature of Property Owner

Date

Signature of Authorized Agent

Date

BELOW INFORMATION IS FOR USE BY THE BOARD OF ADJUSTMENT AND ZONING ADMINISTRATOR:

Questions to Consider When Testing the Legality of an Application for Variance:

- ✓ **Has unnecessary hardship been proven by the applicant:**
 - Mere inconvenience to the applicant is not sufficient grounds for “unnecessary hardship”.
 - Inability to put the property to its most profitable use does not constitute “unnecessary hardship”.
 - The problem must be a very real hardship and not just a perceived one.
 - A strict application of the provisions of the Zoning Ordinance will preclude its use for any purpose to which the land is reasonably adapted.
 - The premises cannot be used in a manner permitted by the Zoning Ordinance unless the adjustment is granted.
 - Value alone is not the proper criteria in determining “unnecessary hardship”.

The burden of proof of “unnecessary hardship” rests upon the applicant and, without such proof, an adjustment must be denied. Also, the hardship must be created by the ordinance, not by the applicant themselves. If the applicant has made improvements to the property in violation of the Zoning Ordinance, either willfully or innocently, the hardship was created by the applicant and an adjustment may not be granted.

- ✓ **Has the public interest been served?**
 - There is not an explicit definition of a “public interest”, but the Board of Adjustment may not grant a variance if the action will injure or endanger other property or persons. Will the variance devalue nearby property?
- ✓ **Is the purpose and intent of the Ordinance and Comprehensive Plan upheld?**
 - The Board of Adjustment must assure that granting the adjustment will not be contrary to the general land use plan or other elements of the Comprehensive Plan. The Board’s actions should never knowingly destroy the provisions of the Ordinance but take steps to assure itself that its action is compatible with the Ordinance.
- ✓ **Has substantial justice been done?**
 - In its decision on appeal or variance, it is the duty of the Board of Adjustment to see that decisions are comprehensive and adequate enough to fulfill a fairness standard.

The above application has been:

Approved **Denied**

Signature of Board of Adjustment Chairperson

Date