

# Clay County Board of Adjustment

## Instructions & Information

### Variance Application

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**Please read all the following before making application.**

- 1) 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
  - a) A written application for a variance is submitted demonstrating:
    - i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
    - ii) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
    - iii) That the special conditions and circumstances do not result from the actions of the applicant.
    - iv) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  - b) Based on the information in your application and what you present, the Board of Adjustment must also find:
    - i) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
    - ii) Granting the variance will be in harmony with general purpose and intent of this Ordinance.
    - iii) The variance will not be harmful to the neighborhood or otherwise detrimental to the public welfare.
- 2) A written application for a variance shall be accompanied by a form that shows the names and current addresses of the owners of all property within 500 feet of the property for which the variance is requested.
- 3) 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) Flagging the property no less than 3 days before the meeting
  - b) A plot plan or site plan
  - c) A ground and/or elevation plan
  - d) A list of property owners within 500 feet of the exterior limits of the property involved in this appeal, together with addresses of same.
- 4) Members of the Board and the Zoning Officer may stop and view the property where the variance is requested. Filing this application will be considered permission for them to enter the property.
- 5) The required fee for application must be paid when you make the application.
- 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 Officer.
- 7) 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.
- 8) If the Board denies the application, you may then appeal to District Court.

**It is the responsibility of the applicant to provide all the requested information and that it be true, complete and accurate.**