

VILLAGE OF WHISPERING PINES
Board of Adjustment

Application for a Variance

I, _____, hereby petition the Board of Adjustment for a Variance from the literal provisions of the Whispering Pines Zoning Ordinance. I request a variance from the following provisions of the ordinance (cite paragraph reference): _____.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In the spaces provided below, indicate the **facts** that you intend to show and the **arguments** that you intend to make to convince the Board that it can properly reach these three required conclusions.

A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) *If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.* [It is not sufficient that failure to grant the variance simply makes the property less valuable.]

(2) *The hardship of which the applicant complains results from unique circumstances related to the applicant's land.* [Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the Land.]

(3) *The hardship is not the result of the applicant's own actions.* _____

B. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

C. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant:)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Mailing Address: _____

Applicant Signature / Date