

# City of Perry

## Application for Variance

Filing Date: \_\_\_\_\_ Application No.: \_\_\_\_\_ Map Parcel: \_\_\_\_\_

Street Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_

Explain in detail the nature of your request. (Use additional pages if necessary) **VARIANCE:** \_\_\_\_\_

Each application shall be accompanied by an acceptable site plan. Site plans shall include the lot dimensions, structures, easements, fences, street right-of-ways, street names, and other information regarding abutting property as directly affects the application.

It is understood by the applicant, that he/she or their agent shall not initiate action for a hearing before the Commission relating to the same parcel of land more often than once every six (6) months without approval of the Planning Commission.

The Commission is hereby authorized to grant variances upon proof by a preponderance of the evidence that:

- a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;
- b) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;
- c) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of the Perry Land Development Ordinance and/or the Comprehensive Plan or other Master Plan adopted for the property;
- d) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties. These provisions, however, shall not permit the Commission to grant any variance to any setback or yard requirements for property zoned for commercial or industrial purposes when such property abuts or immediately adjoins any property zoned for residential purposes unless such residential property is proposed for commercial or industrial use on the Comprehensive Land Development Plan.

Variances cannot be granted for use of land or structures not permitted or prohibited, or to increase the density of development for a tract beyond that permitted by the zoning district.

If the hardship invoking these provisions was the result of the applicant's intentional disregard or willful failure to comply with these terms, the Commission may refuse to grant a variance.

A variance cannot be granted to cure a violation of the Perry Land Development Ordinance unless and until the Commission finds as a fact that:

- a) The violation cannot be reasonably remedied by any other means;
- b) The act creating the violation was not deliberate, intentional, or the result of gross negligence;
- c) Such variance can be granted without substantial impairment to the intent and purpose of this ordinance and will not be detrimental to the use and enjoyment of adjoining or neighboring properties; and
- d) The violator has not previously requested and been granted a variance under these provisions, except that this provision shall not apply if the violator can establish that such previous violation was the result of an accident or other excusable cause.

I declare that I have examined this application, including accompanying materials and statements, and to the best of my knowledge it is true and correct.

SIGN BY APPLICANT \_\_\_\_\_ TELEPHONE \_\_\_\_\_

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FEE PAID \_\_\_\_\_ SIGNS POSTED \_\_\_\_\_

PLANNING COMMISSION PUBLIC HEARING \_\_\_\_\_ DECISION OF COMMISSION \_\_\_\_\_

ROUTING TO COMMISSION \_\_\_\_\_ FINAL LETTER TO APPLICANT \_\_\_\_\_