

**Application for Zoning Variance  
Village of Atwood**

Application # \_\_\_\_\_

Application Fee\$ \_\_\_\_\_

Owners Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Contractor's Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Address of Proposed Construction \_\_\_\_\_

Legal Description \_\_\_\_\_

Dimension of lot \_\_\_\_\_

Zoning District \_\_\_\_\_

Will this use involve sub-dividing a lot Or plot of land? \_\_\_\_\_

Minimum Flood Elevation \_\_\_\_\_ Highest Known \_\_\_\_\_

**Proposed Construction:** Type of Structure \_\_\_\_\_

(house, garage, pool, deck, shed, porch, etc.)

New building

Alteration or addition to existing structure

Other \_\_\_\_\_

Will this in any way be involved with occupation or business?

If yes and is in residential district attach **Application for Zoning Use Permit-Home**

**Occupation.**

**Reason for Request for Variance**

Please note the following questions must be answered completely. If additional space is required, please attach additional sheets.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too Narrow \_\_\_\_\_ Elevation \_\_\_\_\_ Soil \_\_\_\_\_

Too Small \_\_\_\_\_ Slope \_\_\_\_\_ Subsurface \_\_\_\_\_

Too Shallow \_\_\_\_\_ Shape \_\_\_\_\_ Other \_\_\_\_\_

2. Describe the items checked giving dimensions where appropriate. \_\_\_\_\_

3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance of the Village of Atwood? \_\_\_\_\_

4. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance of the Village of Atwood or applicable part became law?

Yes \_\_\_\_\_ or No \_\_\_\_\_

If "No," explain why the hardship should not be regarded as self-imposed. \_\_\_\_\_

5. Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway)? \_\_\_\_\_ If "Yes," please describe: \_\_\_\_\_

6. Which of the following modifications will allow you a reasonable use of your land?

Change of setback requirement \_\_\_\_\_  
Change in lot-coverage requirement \_\_\_\_\_  
Change in side-yard requirement \_\_\_\_\_  
Change in off-street parking requirement \_\_\_\_\_  
Change in area requirement \_\_\_\_\_  
Other \_\_\_\_\_

7. State the Zoning Variance requested. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Are the conditions of hardship for which you request a Variance true only for your property? \_\_\_\_\_ If "No," how many other properties are similarly affected and where are they located? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Will the grant of a Zoning Variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance of the Village of Atwood? \_\_\_\_\_ Why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Notice To Applicants**

A Zoning Variance is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variance is limited to the minimum change necessary to overcome the inequality inherent to the property. "Variance" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

1. A Zoning Variance recognizes that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict interpretations of the Zoning Ordinance. Where hardship conditions extend to other properties, a Zoning Variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
2. You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Zoning Variance: 1. Proof that a Variance would increase the financial return from the land; 2. Personal Hardship; 3. Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violations of the law.
3. No Variance may be granted which would adversely affect the surrounding property of the general neighborhood. All Variances must be in harmony with the intent and purposes of the Zoning Ordinance.

I (we) certify that I (we) have read and fully understand each and every question, statement, or paragraph of this application. I (we) further certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

I understand that any permit issued on this application will not grant any right or privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the zoning regulations of the Village of Atwood. It is further understood that unless construction is started within ninety (90) days and unless construction is completed within three hundred and sixty-five (365) days from the issuance of this permit (unless this period should be extended upon application of the applicant), this permit shall become null and void.

I hereby certify that the above answers are correct and true:

Owner \_\_\_\_\_ Date \_\_\_\_\_

Applicant \_\_\_\_\_ Date \_\_\_\_\_

**Office Use Only**

Date Filed \_\_\_\_\_ Variance Request Number \_\_\_\_\_

Date Set for Hearing \_\_\_\_\_ Date Hearing Held \_\_\_\_\_

Published Notice Made \_\_\_\_\_ Newspaper \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_ CC Zoning Board \_\_\_\_\_

If approved, Zoning Variance Number is added to the top left corner and is signed as received by Village Clerk.

Village Clerk \_\_\_\_\_ Date \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ACTION ON REQUEST:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_