

WHAT IS A VARIANCE?

A variance is special permission to depart from the standard rules of the Town of Unicoi Zoning Ordinance and may only be granted by the Town of Unicoi Board of Zoning Appeals.

WHEN IS A VARIANCE APPROPRIATE?

State law and town ordinances set forth stringent guidelines, which have to be addressed when granting a variance. They state a variance may be granted if:

1. An existing lot has a shape or steepness that makes it exceptionally difficult to develop;
2. Developing the property under standard guidelines would create undue hardship for the owner;
3. The variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance.

Variations may not be granted for reasons of convenience or greater economic gain. Also, variations are not intended to remedy situations in which an individual is interested in conducting an activity, establishing a use and/or creating a density which does not conform to the zoning district for which such activity, use, or density is proposed. In these situations, a rezoning would likely be needed.

HOW DO I REQUEST A VARIANCE?

Meet with the Town Recorder to determine which zoning classification you would like for your property. If you have a plat or survey of your property, bring it to this meeting. If not, the Town Recorder will obtain a tax map for reference. You will be advised of the date of the next Planning Commission meeting and your rezoning will be scheduled on the agenda for that meeting. A sign will be placed on your property advising the public of your request. The Board of Zoning Appeals meeting will be in the form of a Public Hearing, including advertisement in a local newspaper.

Your presence will be required at the meeting. Any citizens may appear before the Board of Zoning Appeals to express support of your request or to encourage denial of your request.

The Board of Zoning Appeals will consider the request at the public meeting/hearing and may approve, approve with conditions, disapprove, or postpone action pending receipt of additional information.

If the variance is approved, it becomes effective on the date of the meeting/hearing. Contact the Town Recorder to see if any necessary permits are required. If the variance is disapproved, the decision will be final and the property owner's only recourse would be litigation. Disapproval and the reason for disapproval will be recorded at the hearing and reflected in the minutes of the meeting.

STATE PLANNING OFFICE:

The Town of Unicoi contracts with the State Planning Office, Division of Economic and Community Development, for consulting services. At any time, you may contact our representative in their Johnson City office to arrange a consultation meeting to obtain their recommendation and advise.

(423) 434-6476