



## APPLICATION for APPEAL or VARIANCE

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*This application and its application fee are required to determine compliance with the **Zoning Ordinance**.*

*This Application **must be completed in full**. The Town of Polk **cannot accept** an incomplete Application Form or an Application Packet lacking all required information.*

*An Application for Appeal or Variance shall be filed with the Town Clerk within 60 days of the date of written notice of decision or order.*

### **Contact Information:**

Property Owner:

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant (if different from Property Owner): \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### **Property Description:**

Address: \_\_\_\_\_ Parcel ID: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Lot Size: \_\_\_\_\_ Lot Width: \_\_\_\_\_

(If additional parcels, please attach as separate sheet)

Current Use of Property: \_\_\_\_\_

\_\_\_\_\_

**Appeal or Variance:**

Please indicate which of the following you are pursuing:

\_\_\_\_\_ Appeal                      \_\_\_\_\_ Variance

Please complete the 'Appeal Requested' or 'Variance Requested' section below, whichever applies to your request.

**Appeal or Variance Requested:**

The Owner, being aggrieved by the decision of the Zoning Administrator, Building Inspector, Engineer, or other Town staff was (check one):

- \_\_\_\_\_ Denied approval of a zoning change on: \_\_\_\_\_ (date)
- \_\_\_\_\_ Denied approval of a site plan permit on: \_\_\_\_\_ (date)
- \_\_\_\_\_ Denied approval of a sign permit on: \_\_\_\_\_ (date)
- \_\_\_\_\_ Denied approval of a pool or fence permit on: \_\_\_\_\_ (date)
- \_\_\_\_\_ Issued a notice of violation or compliance order on: \_\_\_\_\_ (date)

The Owner requests the following (check one):

- \_\_\_\_\_ To seek a variance from the requirements of Section(s) \_\_\_\_\_ of Chapter 336: Zoning Regulations.
- \_\_\_\_\_ To determine whether the order, requirements, decision, or determination of the Zoning Administrator, Building Inspector, Engineer, or other Town staff is in error.
- \_\_\_\_\_ To obtain an interpretation of Section(s) \_\_\_\_\_ of Chapter 336: Zoning Regulations.
- \_\_\_\_\_ To obtain an interpretation of the location of the boundaries of the \_\_\_\_\_ zoning district for Parcel Number(s) \_\_\_\_\_.

### Granting of Variance:

As per Section 336-214.F of Chapter 336: Zoning, the Board of Appeals shall grant no variance unless it finds that all the following facts and conditions exist:

- (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.*
- (2) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.*
- (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.*
- (4) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*
- (5) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.*

### Preservation of Intent:

The Applicant / Agent shall explain how the proposed use or structure is consistent with the purpose and intent of the zoning district in which the proposed development is located:

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Special Circumstance:

The Applicant / Agent shall describe the special circumstances that apply to the parcel in question that do not apply to other parcels in the Village:

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Hardship:

The Applicant / Agent shall describe the hardship resulting from the decision to deny the proposed use or structure:

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Preservation of Property Rights:

The Applicant / Agent shall explain how the requested Variance is necessary in order to preserve property rights available to other parcels in the Village:

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Absence of Detriment:

The Applicant / Agent shall explain how the requested will not create substantial detriment to adjacent property and will not impair or be contrary to the purpose and spirit of the zoning ordinance:

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NOTE: One paper copy and one digital copy (PDF or similar format) of the application packet is required

**Signature and Certification:**

*I certify the information presented on this Application and the drawings, plans, and other materials included therein are, to the best of my knowledge, complete and in accordance with the Zoning Ordinance.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Application Fee:**

The Application Fee for an Appeal or Variance is **\$500.00**. The Application shall not be accepted until the Application Fee has been paid.