

## BOARD OF ADJUSTMENT VARIANCE CHECKLIST

The following information must be supplied with an application for a Variance:

- 1) Legal description of the property including Deed Book, Page Number, and Group Number of the latest recorded deed and a copy of the deed.
- 2) The Board requires the submission of a Site Plan for the development/use of the property in accordance with Article 30, of the Boone County Zoning Regulations.
- 3) Names and addresses of all adjoining property owners including those located across any road, street, or highway.
- 4) Fee paid in full at the time of completed application including original property owner's signature (no fax or copy).

**Agricultural &  
Residential Zones  
(Each Variance)**

**\$350.00 (flat fee) + 250.00 Legal Ad, Adjoining  
Property Owners and Sign Posting (Notification)  
+ \$32.00 CLUR**

**All Other Zones  
(Each Variance)**

**\$650.00 (flat fee) + 250.00 Legal Ad, Adjoining  
Property Owners and Sign Posting (Notification)  
+ \$32.00 CLUR**

The Boone County Zoning Regulations require, through Section 220, finding of fact supporting the need for the granting of the Variance. Below you will find a copy of that Section for your information and use. It is suggested that you may want to include your reason(s) for the Variance in your application.

### **Section 251**

#### **Application and Standards for Variances**

A Variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any Variance is granted, the board must find that the granting of the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
  - a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - b) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

(over)

- c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Failure to supply any of the above information may result in delays.

The Board of Adjustment is a three or five member panel designed to take action on requests for Appeals, Variances, Conditional Uses, and Change of Non-Conforming Uses. The hearing is open to the public and any interested party will have an opportunity to be heard. Action is normally taken during the meeting.

The Boone County and Florence Board meetings are held the second Wednesday of each month and the deadline for all applications is typically 22 days prior to the meeting.

The Union and Walton Board meetings are scheduled once an application is submitted for review.

It is recommended that an applicant review the requirements of the Zoning Regulations concerning Variances and the criteria for their review. Applicants should be prepared to answer questions concerning their application at the meeting.