ROBERTSON COUNTY PLANNING & ZONING DEPARTMENT

ROBERTSON COUNTY OFFICE BUILDING, 527 SOUTH BROWN STREET
SPRINGFIELD, TENNESSEE 37172 TEL. (615) 384-3666

Board of Zoning Appeals: Application for Variance

PART A: FILING A VARIANCE PETITION

A petition for variance (this application) shall be filed with the Zoning Administrator or designated administrator, accompanied by:

1. A non-refundable filing fee as established by the County Commission and
2. A list of adjoining properties, including tax parcel numbers and the name and address of each owner.

PART B: NOTICE AND HEARING:

The Board of Appeals shall, following the rules adopted by it for such purposes, hold public hearings on any appeal or variance petition that comes before it.

The Board of Appeals shall, before the hearing, mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and the owners of property adjacent to the subject property.

PART C: STANDARDS FOR GRANTING A VARIANCE

Before granting a variance, the Board of Appeals shall have made the following findings:

1. Those practical difficulties or unnecessary hardships would result from the strict application of these regulations; and

2. That the variance is consistent with the objectives and policies of any adopted plan for the district or area covering the property, any other adopted written policies governing land development, and the construction and improvement of public facilities, and the general intent of these regulations; and

3. That the public safety and welfare have been protected and substantial justice done.

4. Only the following three conditions shall constitute a practical difficulty or unnecessary hardship, and **all must be met**:
   A. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and

B. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes; and
C. The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

5. The Board of Appeals shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a nonconforming use, or would change the zoning classification of any or all of the subject property. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute sufficient reason for granting the requested variance.

6. The fact that property may be utilized more profitably will not be considered adequate to justify the Board of Appeals in granting a variance.

THE INFORMATION CONTAINED IN THIS DOCUMENT IS INTENDED TO BE A REFERENCE ONLY AND IS NOT INTENDED TO BE ALL-INCLUSIVE. APPLICANTS ARE RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS OF ROBERTSON COUNTY AND THE STATE OF TENNESSEE. **MY SIGNATURE CERTIFIES THAT I HAVE READ AND UNDERSTAND THE ABOVE.**

Owner of Record Signature & Date

Owner's Representative Signature & Date

PART D: MEETING PROCEDURE FOR HEARINGS ON SPECIAL EXCEPTIONS

1. Every application for a hearing before the Board of Zoning Appeals must pay a fee as specified in the Robertson County Planning and Zoning Fee Schedule to help cover the costs of review, processing, advertising, and administration for each case. The applicant must also obtain a notification sign from the Planning Office and place it on the property fifteen (15) days prior to the hearing by the Board of Appeals.

2. At the public hearing on the case before the Board, the appellant may appear on his own behalf or be represented by an attorney or agent. The appellant's side of the case will be heard first, followed by those in opposition. To ensure an orderly procedure, each side shall proceed without interruption from the other.

3. The Board of Zoning Appeals can vote to approve the variance, deny the variance, or approve the variance with specific conditions established during the public hearing.

4. Applicants must attend the meeting. Failure to do so may lead to the denial of the application.

5. If the Board of Zoning Appeals denies the application, the subsequent procedure will be enforced:

   A. No rehearing of the decision by the Board shall occur, except on motion to reconsider the vote; or on a written request for a hearing
   B. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may then vote on the motion to grant the request for a rehearing, subject to any conditions that the Board may stipulate by resolution in each case.
   C. No request for a rehearing will be considered unless new evidence is submitted that could not have reasonably been presented at the previous hearing.
   D. A rehearing for a variance will not be granted to an applicant found by a court of competent jurisdiction to be in willful violation of the specific provisions of a prior variance granted under the authority of this article.

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_____ _____

Owner of Record Signature & Date Owner's Representative Signature & Date

PART E: PROPERTY INFORMATION

1. Current Zoning of Property: _____

2. Physical Address of Property – If unaddressed, please list nearest cross streets.

   _____

3. Tax Map & Parcel Number: _____

4. Size of Property (sq ft. or acres): _____

5. Owner of Record Name, Phone Number, & Physical Address – **NO P.O. BOXES**:

   Name: _____

   Phone Number: _____

   Physical Address: _____

   Email Address: _____

6. Owner's Representative (real estate agent, surveyor, engineer, family member, self, etc.)

   Name: _____

   Phone Number: _____

   Physical Address: _____

   Email Address: _____

   Is the property developed? If so, what is the current use of the property?

   _____

   _____

   _____

   _____

PART F: REQUEST FOR VARIANCE

1. **PLEASE EXPLAIN THE VARIANCE BEING APPLIED FOR. THE BOARD OF ZONING APPEALS CAN ACT ONLY ON WHAT IS PLAINLY BEING ASKED FOR (ATTACH ADDITIONAL SHEET OF PAPER IF NEEDED)**

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_____

_____

_____

- To your knowledge, has the property been granted a variance in the past?
  Please circle one: Yes No Unsure

  If yes, please provide any information you have about the prior approval. Dates are particularly helpful!

  _____
  _____
  _____
  _____
  _____
  _____

MY SIGNATURE CERTIFIES THAT I HAVE ANSWERED ALL QUESTIONS HONESTLY AND TO THE BEST OF MY KNOWLEDGE.

_____ _____

Owner of Record Signature & Date Owner's Representative Signature & Date